

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 6 December 2018

Time: 5.30 pm

Venue: Conference Room 1, Beech Hurst, Weyhill Road, Andover,
Hampshire, SP10 3AJ

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
Beech Hurst, Weyhill Road,
Andover, Hampshire,
SP10 3AJ

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The recommendations contained in the Agenda are made by the Officer and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Northern Area Planning Committee

MEMBER

WARD

Councillor C Borg-Neal (Chairman)	Andover (Harroway);
Councillor T Preston (Vice-Chairman)	Andover (Alamein);
Councillor I Andersen	Andover (St Mary's);
Councillor P Boulton	Broughton & Stockbridge;
Councillor A Brook	Andover (Alamein);
Councillor Z Brooks	Andover (Millway);
Councillor J Budzynski	Andover (Winton);
Councillor D Busk	Broughton & Stockbridge;
Councillor I Carr	Charlton;
Councillor J Cockaday	Andover (St Mary's);
Councillor D Denny	Andover (St Mary's);
Councillor D Drew	Harewood;
Councillor B Few Brown	Ampport;
Councillor M Flood	Anna;
Councillor P Giddings	Bourne Valley;
Councillor K Hamilton	Andover (Harroway);
Councillor S Hawke	Andover (Millway);
Councillor A Hope	Over Wallop;
Councillor P Lashbrook	Penton Bellinger;
Councillor J Lovell	Andover (Winton);
Councillor C Lynn	Andover (Winton);
Councillor P Mutton	Penton Bellinger;
Councillor J Neal	Andover (Millway);
Councillor P North	Andover (Alamein);
Councillor B Page	Andover (Harroway);
Councillor G Stallard	Anna;

Northern Area Planning Committee

Thursday 6 December 2018

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 15 November 2018**
- 6 Information Notes 4 - 9**
- 7 18/02297/FULLN - 05.09.2018 10 - 19**

(OFFICER RECCOMENDATION: PERMISSION)

SITE: 37 Junction Road, Andover, Hampshire, SP10 3QX,

ANDOVER TOWN (ST MARYS)

CASE OFFICER: Mrs Donna Dodd

ITEM 6

TEST VALLEY BOROUGH COUNCIL
NORTHERN AREA PLANNING COMMITTEE
INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees, or the Planning Control Committee instead, and this will happen if any of the following reasons apply:

- Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- Applications which the Head of Planning and Building Services considers are of significant local interest or impact.
- Applications (excluding notifications) where a Member requests in writing, with reasons, within the stipulated time span that they be submitted to Committee.
- Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest for its own developments except for the approval of minor developments.
- Notifications on which material planning objection(s) has been received within the stipulated time span (the initial 21 day publicity period) and no agreement with the Chairman of the appropriate Committee after consultation with the appropriate Ward Member(s) has been reached.

- Determination of applications (excluding applications for advertisement consent, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights; Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received in the stipulated time span and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.

- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.
- * Where the Committee has resolved to make a decision, which in the opinion of the Head of Planning and Building, has a possible conflict with policy, public interest or possible claims for costs against the Council, those applications shall be referred to the Planning Control Committee for determination.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or the Former Magistrates Court office, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016). Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 24 July 2018 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2012. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	18/02297/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	05.09.2018
APPLICANT	Mr and Mrs Stephen and Leah Tucker
SITE	37 Junction Road, Andover, Hampshire, SP10 3QX, ANDOVER TOWN (ST MARYS)
PROPOSAL	Erection of a shed/playhouse
AMENDMENTS	Amended plans received 15.11.2018 – Proposed elevations and Proposed sketch of shed/playhouse.
CASE OFFICER	Mrs Donna Dodd

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 37 Junction Road is a mid-terrace property located on a residential street in Andover. The garden to the rear of the property rises gently towards the western boundary and is enclosed on the north, south and west boundaries by 1.8m high timber fencing.

2.2 Part of the current dwelling house is used for a childminding business; it is considered that this current use does not change the overall character of the property as a single dwelling, and planning permission for this current level of activity is not required.

3.0 PROPOSAL

3.1 The application is retrospective and seeks the retention of a garden shed/playhouse and a raised platform on which it is sited. The shed measures 2.8m in height, 2.4m in width and 7.2m in depth. The shed would be finished with timber tongue and groove cladding and a shingle roof. The raised platform measures 0.4m at the highest point, therefore taking the overall height of the shed/playhouse to 3.4m measured from the adjacent ground level.

3.2 During the course of consideration building works have progressed, and at the time of writing the report, there has been: a reduction in the height of the finished pitched roof, the insertion of UPVC windows and doors and the addition of glazing that has been obscured.

3.3 In response to privacy concerns, the applicants have applied obscured film to the upper glazing panels of the two windows on the southern elevation. Patio doors with two large windows enable access to the eastern elevation of the shed/playhouse. The window from which access is obtained is clear glazed whereas the adjacent northerly panel closest to 39 Junction Road is obscured glazed. The addition of obscured glazing was added in November 2018.

Neighbours have not been consulted on this matter. The additional works are in accordance with the amended plans received on 15.11.2018.

4.0 **HISTORY**

4.1 None.

5.0 **CONSULTATIONS**

5.1 None.

6.0 **REPRESENTATIONS** Expired 03.10.2018

6.1 Andover Town Council – No Objection.

6.2 2 x letters of objection – 39 Junction Road, Andover SP10 3QX (summarised):

- The scale, size and bulk of the shed/playhouse.
- The proximity of the shed/playhouse to fence/boundary.
- Overlooking.
- Potential over development.
- Invasion of privacy.

6.3 35 Junction Road, Andover SP10 3QX (summarised):

- Overbearing – taller than the average shed, emphasised further due to the raised platform on which it sits.
- Not in accordance with submitted plans.
- Adverse and detrimental visual impact.
- Loss of privacy to the rear of the property and garden.
- The screening from the existing trees will be lost during 5-6 months of each year.
- Increase in noise levels due to the construction of the shed/playhouse, the proposed openings and the proposed use. Already disturbed by the noise from the owners childminding business.
- Concerned that the extra space created would be used to grow the owners childminding business, further increasing noise levels.

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 Development in the Borough)
- E8 (Noise)
- LHW4 (Amenity)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on the character of the area

- Impact on the neighbouring properties
- Pollution

8.2 Principle of Development

The site lies within the settlement boundary of Andover as defined on the Inset Maps of the RLP. In accordance with Policy COM2 development is permitted provided the proposal is appropriate to other policies of the RLP. The proposal is assessed against relevant policies below.

8.3 Impact on the character of the area

The shed/playhouse is located adjacent to the south-west boundary of the rear garden approximately 16 metres from the rear of the host property. The garden rises gently to the rear, and therefore the shed/playhouse is located in an elevated position.

8.4 The outbuilding is located in a position such that limited public views are possible. Any glimpsed views are at a distance from Queens Avenue and are seen in context with other sheds and high-level timber fences located in nearby gardens. The outbuilding is constructed in traditional materials and positioned to the rear of the property, at the far end of the garden. It is considered that the shed/playhouse does not have any adverse impact on the character and appearance of the surrounding area, in compliance with Policies COM2 and E1 of the RLP.

8.5 Impact on the neighbouring properties

The neighbouring properties most affected by the outbuilding are 35 and 39 Junction Road. Objections have been raised by the occupiers of these dwellings.

8.6 35 Junction Road

Privacy

35 Junction Road is enclosed on the north, south and east boundaries by 1.8m high timber fencing. Concern has been raised with regard to overlooking from the proposed shed/playhouse; in particular, the patio windows on the front elevation. 35 Junction Road has a modestly sized garden which is long and narrow and rises to the rear. The garden is roughly divided into three areas; immediately behind the house and level with the rear of the dwelling is an area laid to paving providing a space for outside seating, following this and accessed by steps is an area of lawn. Beyond this, and enclosed by mature planting and trees is a shed and space used for storage. The garden benefits from mature planting and a number of mature trees throughout the garden.

8.7 The shed/playhouse is situated approximately 16 metres from the rear windows and the paved area of No.35, and on an area of land previously occupied by two smaller sheds. Further to the concerns raised regarding privacy, the applicants have added obscure glazing to the right-hand (north) patio window; therefore, the only clear glazed window is centrally located within the garden. Views from this patio window are largely screened by the existing boundary fencing and the mature planting within the garden of No.35;

however, any oblique views from the clear glazed patio window are to the rear of the host and neighbouring dwellings. The windows on the south elevation face towards the garden of No.35, it is considered that there is a degree of overlooking to the far end of the rear garden of No.35 and therefore a condition is recommended to retain the recently installed obscure glazing as shown on the application drawings. Due to the distance to the rear of the neighbouring property and the existing high-level fencing and planting, in addition to the obscured glazing, it is considered that the level of overlooking is insufficient to justify a reason for refusal on this ground.

Loss of light

8.8 The shed/playhouse is sited north of 35 Junction Road; consequently, any additional shading created is to the north of the shed/playhouse and as such does not result in any unacceptable harm to the occupiers of No.35.

8.9 Outlook

The shed/playhouse is separated from the rear elevation of No.35 by approximately 16 metres. Although the outbuilding is sited at the highest part of the garden, it is considered that the shed/playhouse does not create an overbearing impact on the occupiers of No.35 due to the retained views from the rear of the dwelling across the adjacent gardens to the north and south.

8.10 **39 Junction Road**

The rear garden to 39 Junction Road is laid mainly to lawn with an area of paving, used as a seating area, immediately behind the house.

Loss of light

The shed/playhouse is sited south of 39 Junction Road; and the property is screened on the northern, southern and western boundaries by 1.8m high timber fencing. The shed/playhouse results in an additional shadow being cast over the far end of the garden of No.39 during the afternoon; however, the whole of the rear of the property and the area used for outside seating still receives sunlight for the rest of the day. While it is acknowledged that the separation distance between the shed/playhouse and the boundary fence is only 210mm and that the height of the structure is above the existing timber fencing, it is considered that the additional shadowing is minimal due to the mature trees to the south and the two-storey property to the west. Therefore it is considered that the outbuilding does not reduce the level of sunlight to fall below acceptable levels.

8.11 Privacy

Concern has been raised by the occupiers of No.39 with regards to overlooking from the shed/playhouse, in particular, the patio window on the front elevation and the window on the north elevation. The window, closest to the boundary fence, is obscure glazed, as such, the window provides a light source only and no opportunity for overlooking.

- 8.12 Views from the patio windows on the front elevation are largely screened by the existing boundary fencing; however, any oblique views from the clear glazed patio window are to the garden and rear elevations of the host and neighbouring dwellings. The right-hand patio door closest to 39 Junction Road has been obscured glazed in response to the concerns raised by the occupants of No.39, and it is considered that a condition to secure and retain the obscure glazing is necessary to minimise any potential overlooking. It is considered that due to the high-level boundary screening in addition to the obscure glazing that the level of overlooking is insufficient to justify a reason for refusal on this ground.
- 8.13 **Outlook**
Any views of the shed/playhouse from the rear windows of 39 Junction Road are seen in context with the flank wall of the two-storey dwelling beyond (2 Queens Avenue) and therefore do not have a significant effect on the neighbouring occupant's outlook. While it is acknowledged that the outbuilding is close to the boundary fence, it is considered that the shed/playhouse does not create an overbearing impact on the occupiers of No.39 due to the building being situated at the far end of the garden away from the rear of the dwelling and the occupier's existing seating area.
- 8.14 Therefore, it is considered that the shed/playhouse does not give rise to an adverse impact on the living conditions of the neighbouring properties sufficient to withhold permission. As such the proposal complies with policy LHW4 of the RLP.
- 8.15 **Noise**
Concern has been raised by the occupiers of No.35 regarding an increase in noise levels and the intensification of the existing childminding business. In response to this concern, the applicants have confirmed that the shed/playhouse is nothing to do with the childminding business and is not an attempt to extend the business. The finished shed/playhouse would be fully insulated and finished with UPVC doors and windows. The childminding business is limited in its times and number of children, and it is considered that its current form is ancillary to the residential use of the property. This is not considered to represent a change of use nor raise any material concerns with regard to noise. It is therefore considered that the outbuilding would not cause unacceptable risks to human health, the natural environment or general amenity and is in accordance with Policy E8 of the Revised Local Plan.
- 8.16 **Other**
A concern has been raised regarding the overdevelopment of the site. It is considered that the addition of a single storey shed/playhouse to the rear of the host dwelling does not excessively intensify the use of the land and leaves sufficient garden space for the occupiers of the host property.
- 8.17 A concern has been raised about the accuracy of the submitted plans; this has been remedied during the course of consideration by the lowering of the roof in accordance with the drawings submitted.

8.18 It is noted that the construction of a shed/playhouse at a maximum height of 2.5 metres could be development permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 and could be undertaken without the requirement for planning permission. As such, there is a fall-back position whereby a shed could be constructed in this position at a reduced height, and this is a material planning consideration.

9.0 **CONCLUSION**

9.1 The shed/playhouse is considered acceptable, as it integrates, respects and complements the character of the area. The privacy and amenity of the occupants and the neighbours are provided for. The shed/playhouse is therefore in accordance with Test Valley Borough Revised Local Plan 2016 policies COM2, E1, E8 and LHW4.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Proposed Elevations and Block Plan.
Reason: For the avoidance of doubt and in the interests of proper planning.**
2. **The obscured windows as indicated on the approved plans shall be retained in this form 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.**

Note to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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Siteplan





