

Notice of Meeting

Northern Area Planning Committee

Date: Thursday 20 June 2019

Time: 5.30 pm

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

For further information or enquiries please contact:

Sally Prior - 01264 368024 sprior@testvalley.gov.uk

Legal and Democratic Service

Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, Hampshire, SP10 3AJ <u>www.testvalley.gov.uk</u>

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
Councillor C Borg-Neal (Chairman)
Councillor P Lashbrook (Vice-Chairman)
Councillor I Andersen
Councillor T Burley
Councillor J Burnage
Councillor M Cooper
Councillor C Donnelly
Councillor C Ecclestone
Councillor N Lodge
Councillor N Matthews
Councillor C Thom
Councillor A Warnes
Councillor A Watts

WARD

Andover Harroway Bellinger Andover St Mary's Andover Harroway Romsey Cupernham Romsey Tadburn Andover Downlands Andover Millway Andover Romans Valley Park North Baddesley Andover Millway

Northern Area Planning Committee

Thursday 20 June 2019

<u>AGENDA</u>

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 30 May 2019
- 6 Information Notes 4 9

10 - 20

7 19/00649/FULLN - 13.03.2019

(OFFICER RECOMMENDATION: REFUSE) SITE: 8 Croft Avenue, Andover, Hampshire, SP10 2EL, ANDOVER TOWN (WINTON) CASE OFFICER: Miss Katherine Dowle

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 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 (excluding notifications) where a Member requests in writing, with reasons and within the stipulated time span, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers
- 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.
- To determine 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 on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, 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.

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), and 'made' Neighbourhood Plans. 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 19th February 2019 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. 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. APPLICATION TYPE REGISTERED APPLICANT SITE	19/00649/FULLN FULL APPLICATION - NORTH 13.03.2019 Mr Hughes 8 Croft Avenue, Andover, Hampshire, SP10 2EL, ANDOVER TOWN (WINTON)
PROPOSAL	First floor side extension over existing garage, two storey rear extension, to provide additional living space, and replace flat roof of existing front single storey extension to pitched
AMENDMENTS CASE OFFICER	Miss Katherine Dowle

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 The application site is located on Croft Avenue which consists of a number of detached properties of varied form and character. Along the north-east side of the street the properties are set in a line parallel to the road, with driveways to the front of properties. No.8 Croft Avenue and the neighbouring property to the south-east, No.6 Croft Avenue, are two storey buildings while the neighbour to the north-west, No.10 Croft Avenue, is a bungalow. There is a large area of hard standing along the site frontage providing space for several cars to park.

3.0 **PROPOSAL**

3.1 A first floor side extension is proposed which would include replacement of the existing cat-slide roof. The single storey flat-roofed extension at the front of the property is proposed to have a pitched roof. To the rear of the property, a two storey and single storey rear extension is proposed across the whole rear elevation. The two storey rear extension would extend approximately 4.1m from the rear of the existing dwelling and the single storey extension would extend a further 2.7m beyond this.

4.0 **HISTORY**

4.1 19/00188/FULLN First floor side extension over existing garage, two storey rear extension, to provide additional living space, and replace flat roof of front elevation to pitched. Withdrawn 13.03.2019.

5.0 **CONSULTATIONS**

5.1 None.

6.0 **REPRESENTATIONS** Expired 08.04.2019

6.1 Andover Town Council: No objection.

6.2 **Two letters of objection from 6 Croft Avenue and 7 Humberstone Road** summarised as:

- Ground floor windows are not below fence height as stated in the design and access statement.
- Light reaching the ground floor rooms will be impacted by the side extension.
- Have replaced side windows with like-for-like replacements.
- Not opposed to extension/ improvements to No.8 but have concerns about the scale and the impact it would have on No.6.
- Previous concern from No.7 Humberstone Road still stands.
- Reduction of 1m at the first floor level of the rear extension compared to the previously withdrawn application would not sufficiently lessen the impact.

7.0 **POLICY**

7.1 <u>Government Guidance</u> National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

- 7.2 <u>Test Valley Borough Revised Local Plan (2016)(RLP)</u> COM2 – Settlement Hierarchy E1 – High Quality Development in the Borough LHW4 – Amenity
 - T1 Managing Movement
 - T2 Parking Standards

8.0 PLANNING CONSIDERATIONS

- 8.1 The main planning considerations are:
 - Principle of development
 - Impact on the character of the area
 - Impact on amenity
 - Impact on parking

8.2 **Principle of development**

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

8.3 Impact on the character of the area

The proposed first floor side extension and the alterations to the single storey aspect to the front of the property would be visible from Croft Avenue. The roof pitch of the first floor extension would match the form of the existing roof and would enable the proposal to integrate with the character of the dwelling.

The single storey front extension would have a pitched roof with tiles to match those in the existing roof. The front elevation has been carefully designed to complement this varied character with the side extension set back slightly and with tile hanging, thus maintaining a subsidiary appearance in accordance with policy E1.

8.4 Glimpsed views of the proposed two storey rear extension would be achievable across Humberstone Road as limited views of the rear elevations of the properties on Croft Avenue are currently achievable. The proposed rear extension has a simple design and is constructed of matching materials to the existing property. Therefore although it would be visible from this vantage point, it would not attract unduly attention and overall it is considered the proposal would integrate, respect and complement the character of the area, complying with Policy E1 of the RLP.

8.5 Amenity

There are three properties affected most by the proposed works: No.6 Croft Avenue, No.7 Humberstone Road and No.10 Croft Avenue.

8.6 <u>6 Croft Avenue</u>

6 Croft Avenue is a detached property to the south-east of the application site. There are several tall narrow windows in the ground floor and first floor of the north-west elevation which serve a living room and study in the ground floor and a bedroom in the first floor. These rooms also have large windows facing the front and rear of the property so the side windows therefore represent a secondary source of light. In addition the outlook from these windows is already compromised to a degree by the existing close proximity of No.8 Croft Avenue to these side windows. Therefore although the extension would be brought closer to this side boundary, it would not significantly alter the existing relationship between these properties. As the proposed development is located to the north of No.6 Croft Avenue, it would not impact on sunlight levels reaching the neighbouring property.

8.7 The proposed two storey rear extension would extend close to the boundary with No.6. To the rear of the No.6 Croft Avenue there is a single storey extension to the south-east and a patio area with chairs, table and fixed BBQ to the north-east. The two storey extension would be located approximately 3m from this seating area and would have a large expanse of brickwork with three obscure glazed windows in the side elevation. Despite the tall close board boundary fence on one side and the single storey extension on the other the area around the patio space is currently open to the north and east. The patio is located at the same level as the dwelling and the rear garden is located at a slightly higher level. It is considered that the proximity of this large expanse of wall in close proximity to the seating area at the rear of 6 Croft Avenue would have an unacceptable overbearing and dominant impact on the amenity of the occupants when using this space.

8.8 <u>7 Humberstone Road</u>

7 Humberstone Road is located centrally within the plot and its accompanying 'L' shaped rear garden. Due to the change in site levels the property is located on slightly higher ground than the neighbouring properties No.10 and No.8 Croft Avenue. In the south-west elevation there are two tall bay windows which have large windows in the ground and first floor. These bay windows are located on the side elevation nearest to 8 Croft Avenue and the properties currently experience a degree of overlooking between the first floor windows. Due to the juxtaposition of the dwellings these views are at an acute angle, with the properties currently located approximately 20m apart. As a result of the proposed development the rear elevation of 8 Croft Avenue would be brought closer to No.7 (resulting in a separation distance of approximately 17m at first floor). This is not considered to result in additional overlooking between the properties due to the angle of sight and taking into account the existing situation. The proposed development is therefore considered to provide for the privacy of these neighbours to an acceptable extent.

8.9 The existing property at No.8 is located to the south-west of the curtilage at No.7. Shadows cast by the host property at No.8 fall towards the garden of No.7 between around midday and 2pm. The proposed development would slightly increase the extent of the shading falling towards this garden during this time. Due to the extent of the existing shading and the small increase in shadowing of the garden, this alteration would not cause sunlight or daylight levels reaching this neighbouring property to fall below acceptable levels.

8.10 10 Croft Avenue

The neighbouring property to the north-west is No.10 Croft Avenue, a detached bungalow. The driveway and garage at No.10 separate the bungalow from No.8 Croft Avenue. It has a large driveway to the front of the plot and a rear garden which is predominantly laid to lawn with established planting beds. In the south-east corner of the garden, closest to the proposed development, there is a raised area formed of gravel. The raised terrace is approximately 65cm tall and is large enough to be used as a seating area. The proposed development would extend along the whole south-eastern boundary of No.10 with approximately half of the boundary dominated by the proposed rear extension. The close proximity of this tall boundary fence to the terrace area would have an overbearing and dominant impact on users of this space. It would introduce a solid wall along the majority of the boundary which would reduce the openness of this area of the garden. This would have a harmful, unacceptable impact on the future enjoyment of this part of this neighbouring property.

8.11 The existing building at No.8 casts shadow across part of the rear garden at No.10 between 11am and 2pm. The proposed extension would increase the extent of this shadowing with the majority of the garden shaded from 9am to midday and part of the garden shaded from around midday to 2pm. This increase in the extent of shading would mean that a large proportion of the garden would be in shadow for a significant proportion of the day. It is considered that the extent of shading of the rear garden at No.10 would cause sunlight levels reaching the private open space at No.10 to fall below acceptable levels.

- 8.12 Overall the proposed development would have an overbearing and dominant impact on the private open space adjacent to the proposed development in the gardens of No.10 and No.6 Croft Avenue. It would cause sunlight levels reaching the rear garden at No.10 to fall below acceptable levels. The privacy of neighbouring properties would be provided for and there would not be a detrimental impact on daylight levels reaching neighbouring properties.
- 8.13 Overall the proposed development would provide for the privacy and amenity of No.7 Humberstone Road. The privacy of No.10 and No.6 Croft Avenue would be provided for. However due to the juxtaposition of the rear extension in relation to the patio area to the rear of No.6 and the rear terrace of No.10, the extension would have a dominant and overbearing impact on these spaces which would not provide for the amenity of the occupants of the neighbouring properties. The extent of shadowing of the terrace area in the rear garden of No.10 would also result in sunlight levels reaching this area to fall below acceptable levels. The proposed development would thereby conflict with policy LHW4.

8.14 Impact on parking

The proposed development would increase the number of bedrooms at the property from three rooms to four. In accordance with the parking standards set out in Annex G of the RLP, three parking spaces are required to be provided for a four bedroom property. The front driveway is approximately 10m by 5m providing ample space for three cars to park. Therefore the proposed development would comply with Policy T2 and as sufficient onsite parking is provided, would also comply with Policy T1.

9.0 CONCLUSION

9.1 The proposed development would have a dominant impact on private open space immediately to the rear of No.10 and No.6 Croft Avenue which is not considered to provide for their amenity. It would also cause sunlight levels reaching the garden of No.10 Croft Avenue to fall below acceptable levels. The proposed development would integrate, respect and complement the character of the area and a minimum of three parking spaces are provided on site. However these positive aspects of the scheme do not outweigh the harmful impact on the amenity of No.10 and No.6 Croft Avenue. Therefore the proposed development would be contrary to Policy LHW4 of the Test Valley Borough Revised Local Plan.

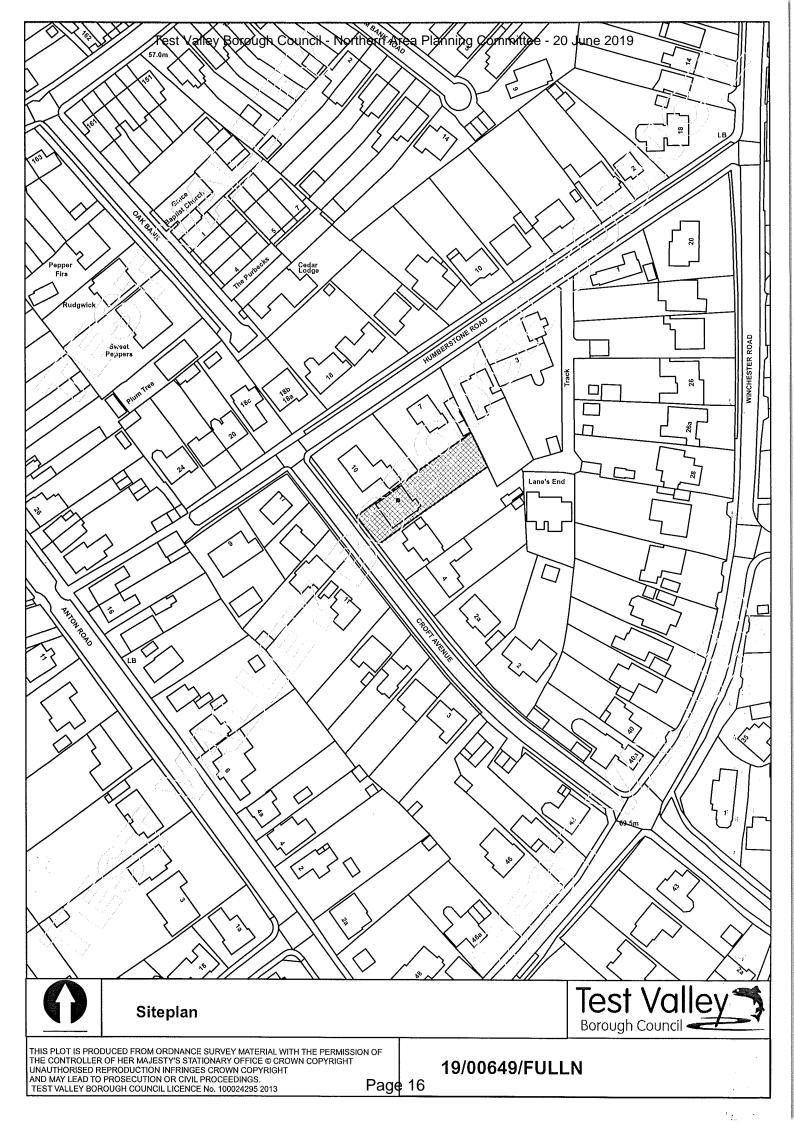
10.0 **RECOMMENDATION**

REFUSE for the reason:

1. The proposed rear extension, by reason of its siting and size, would result in an unacceptably dominant and overbearing effect on the living conditions of 10 Croft Avenue and 6 Croft Avenue. The proposed extension would also cause sunlight levels reaching the garden of 10 Croft Avenue to fall below acceptable levels. As such the development would not provide for the amenity of the occupiers of 10 Croft Avenue and 6 Croft Avenue, contrary to policy LHW4 of the Test Valley Borough Revised Local Plan 2016.

Note to applicant:

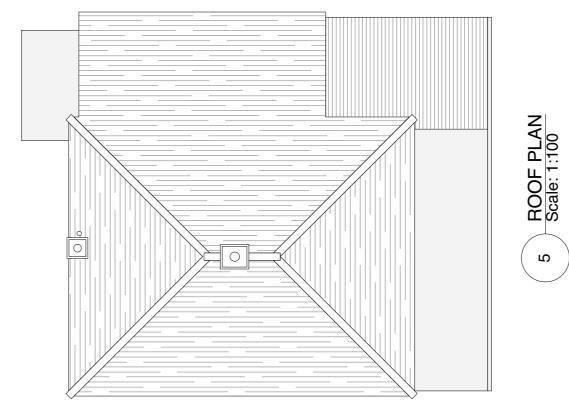
1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a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

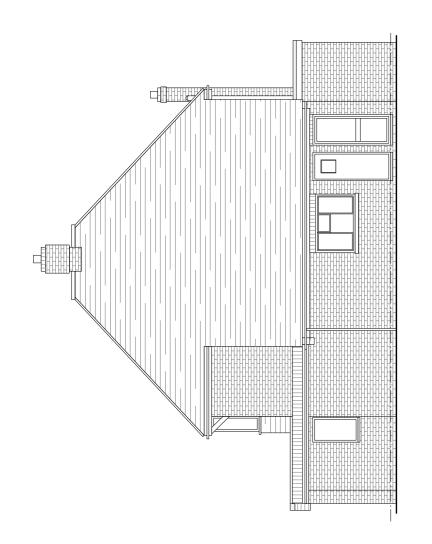


Project	8 Croft Avenue Andover	Hants	SP10 2EL		Client	Mr Hughes	Date	March 2019	Title	Existing	Scale	1:50/1:100 @ ISO A1	Drwng No.	PTAD/160319/02	Peter Tesar Architectural Design 01264 356544 peter@petertesar.co.uk
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No. Date Details Revisions

Test Valley Borough Council - Northern Area Planning Committee - 20 June 2019

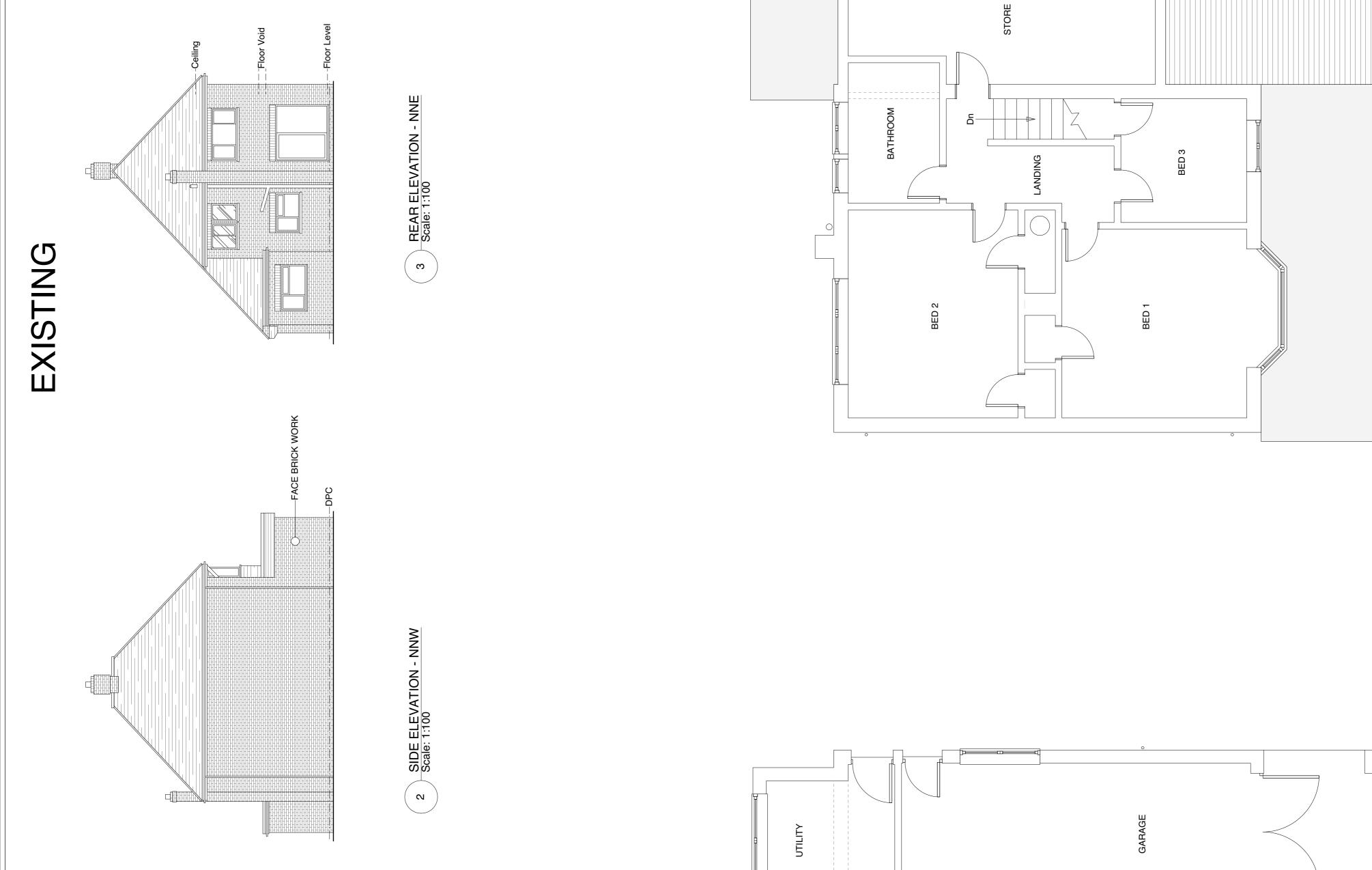




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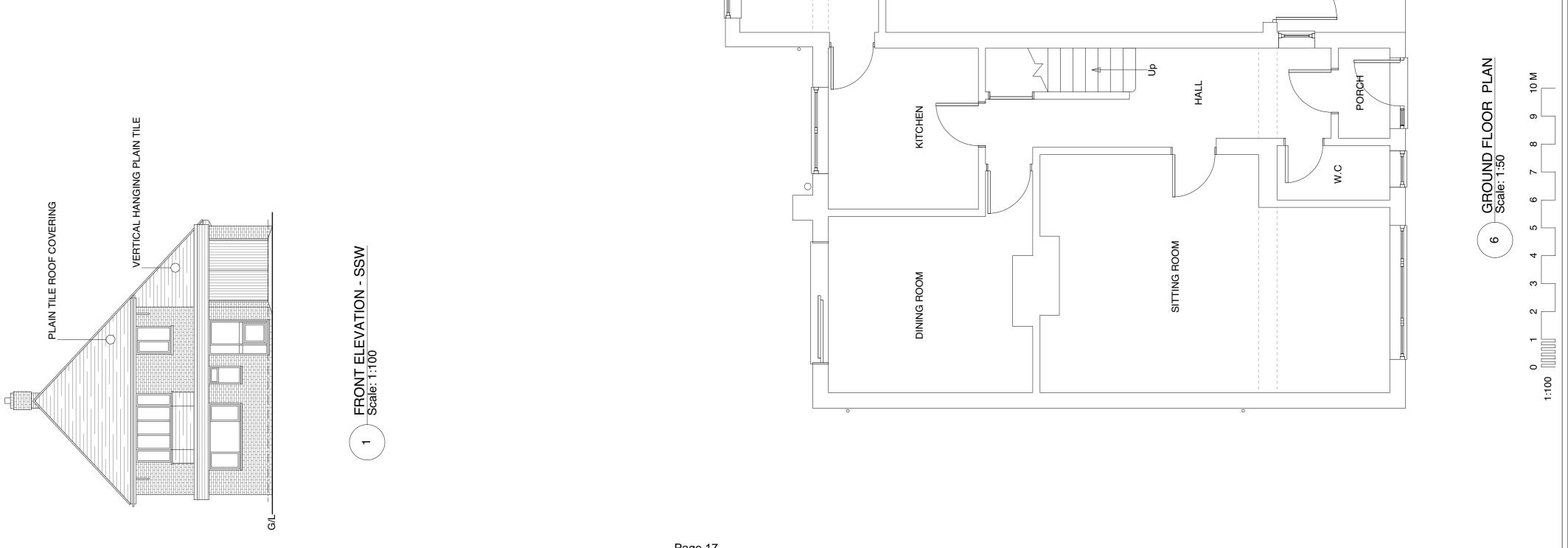
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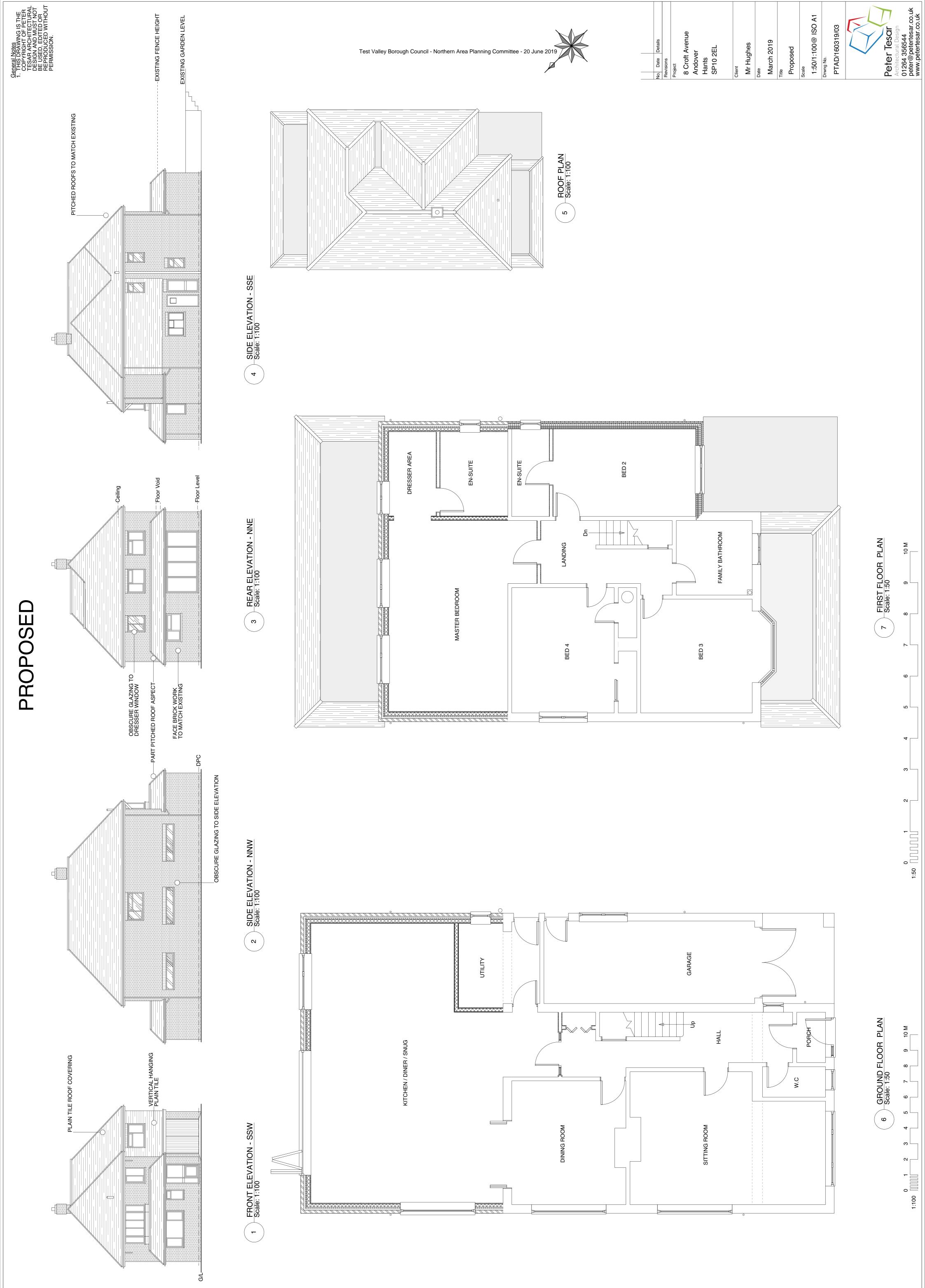
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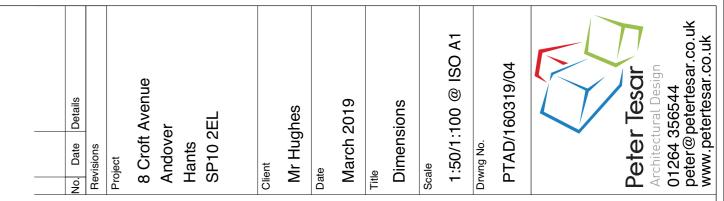


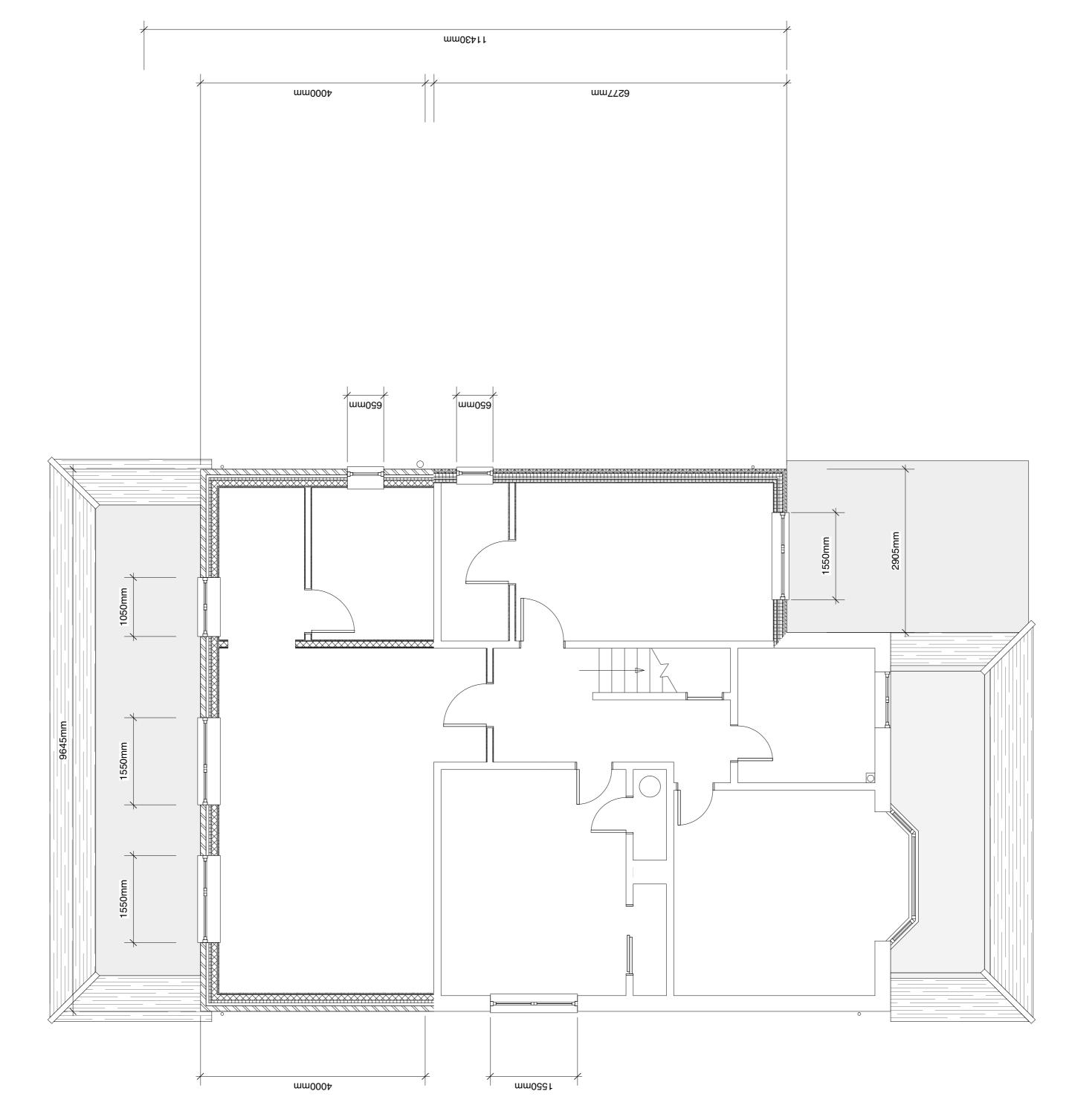
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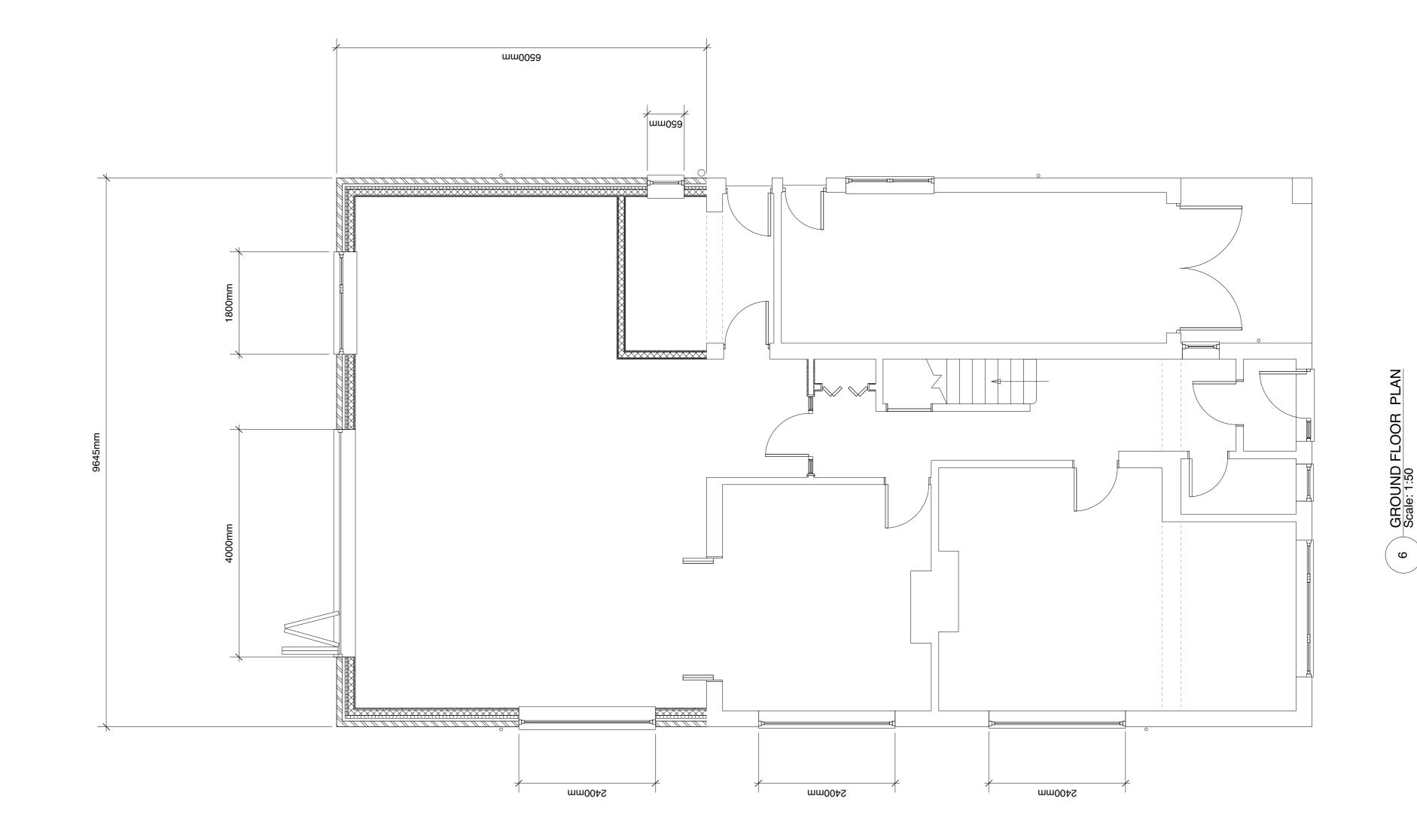
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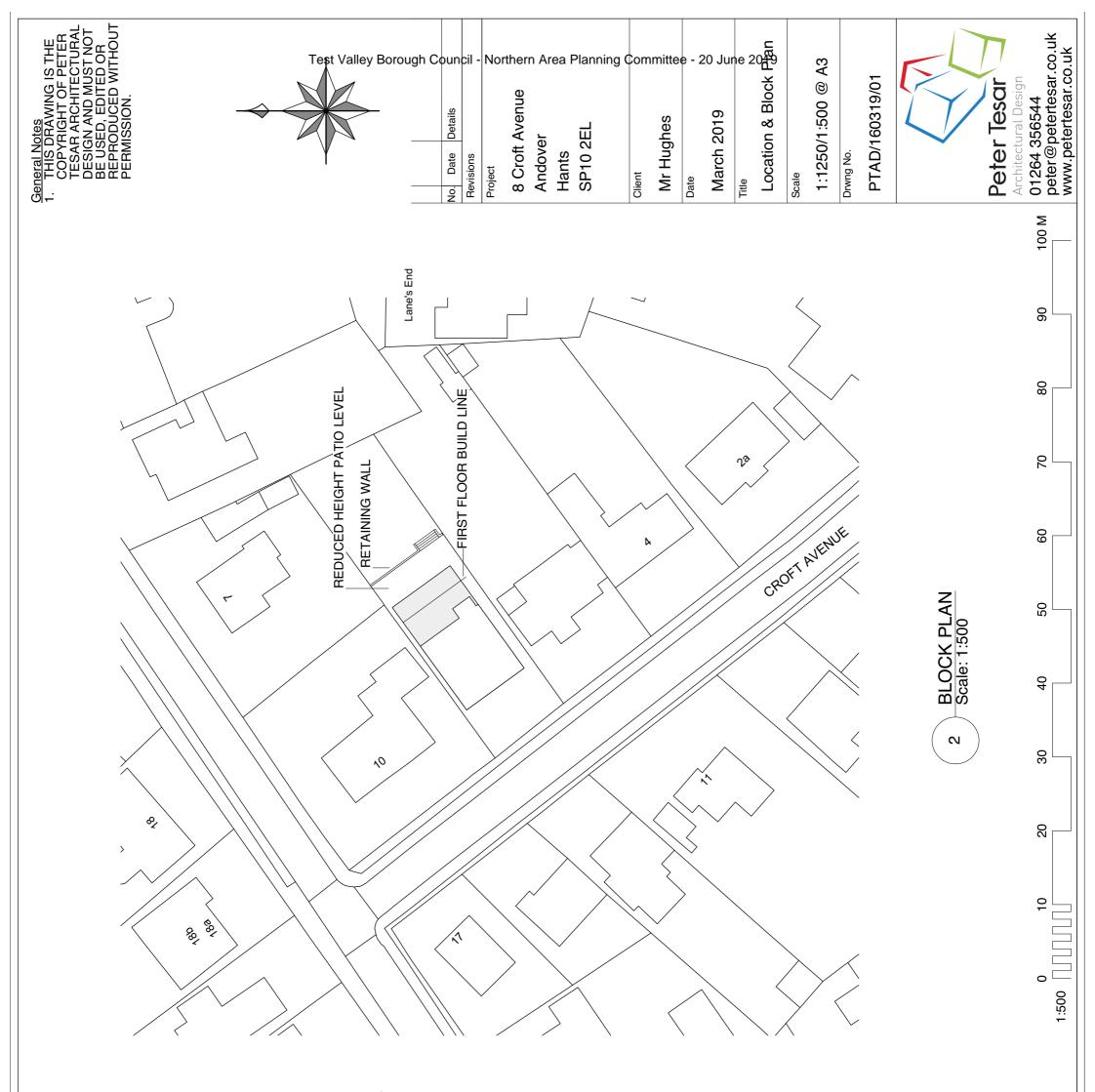
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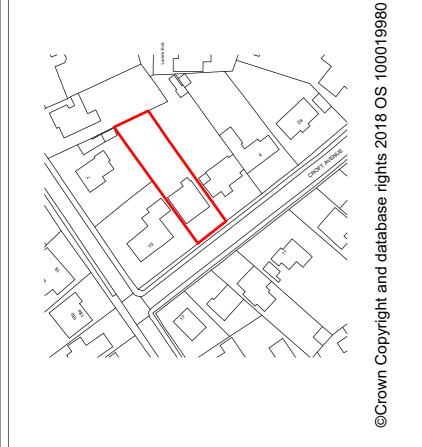
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