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<b>APPLICATION NO.</b>	20/00858/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	22.04.2020
<b>APPLICANT</b>	Mr and Mrs Lewis
<b>SITE</b>	3 Little Orchard Court, Winchester Road, Andover, SP10 2NY, <b>ANDOVER TOWN (WINTON)</b>
<b>PROPOSAL</b>	First floor side extension with Juliette balcony and single storey rear extension, to provide additional living space and accommodation
<b>AMENDMENTS</b>	15/05 - Title changed to incorporate Juliette balcony.
<b>CASE OFFICER</b>	Alexandra Jeffery

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee at the request of a Member for the reason that the application raises issues of more than local public interest.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 3 Little Orchard Court is a detached house in Andover located within a Residential Area of Special Character (2E, Winchester Road South) within the settlement of Andover. The house is constructed of red brick with a brown concrete tile roof. The property has been extended over time to include a single storey rear extension and a glazed link between the house and the detached garage. The house is accompanied by a large rear garden and is adjacent to residential properties at 2 Little Orchard Court and 39 Wellesley Road. The site also has two trees subject to Tree Preservation Orders (TPO) along the front boundary of the property.

## 3.0 PROPOSAL

- 3.1 The application seeks full planning permission to extend the house to the side at first floor level to create an extended master bedroom with a Juliette balcony and to erect a single storey rear extension to the rear.

## 4.0 HISTORY

- 4.1 20/00116/FULLN - First floor side extension to enlarge master bedroom with Juliette balcony and larger single storey rear extension. Application withdrawn 13.02.2020.
- 4.2 20/00115/FULLN – First floor side extension to enlarge master bedroom with Juliette balcony and single storey rear extension. Application withdrawn 13.02.2020.

- 4.3 16/02687/FULLN – Single storey side extension link to detached garage. Permission subject to conditions and notes 19.12.2016.
- 4.4 14/01868/FULLN - Demolish the existing rear conservatory to the house and replace with a single storey extension to include a glazed roof lantern. Permission subject to conditions and notes 09.09.2014.
- 4.5 14/01634/PDHN – Notification of proposed works to a dwelling – Replacement conservatory (Length 4.9m, height 3.9m, height to eaves 2.2m) Closed as invalid 06.08.2014.
- 4.6 TVN.04957/11 – Erection of car port. Permission subject to conditions and notes 15.11.2004.
- 4.7 TVN.07818 – Erection of conservatory to detached double garage. Permission subject to conditions and notes 07.01.2000.
- 4.8 TVN.04957/10 – Retention of conservatory at rear. Permission subject to notes. 22.10.1998.

#### 5.0 **CONSULTATIONS**

- 5.1 Response from Trees Officer to application 20/00116/FULLN (identical scheme) carried forward to this application – No objection subject to conditions.

#### 6.0 **REPRESENTATIONS** Expired 16.05.2020

- 6.1 Andover Town Council – No objection.
- 6.2 1 letter of support has been received from the occupier of No.2 Little Orchard Court stating:
- The evolution and development of the property has always been undertaken with consideration of neighbouring properties and residents.
  - The contractor employed used quality well matched materials and are courteous in respect of the adjoining properties by keeping noise to a minimum and always work on site within reasonable house.
  - The end results are always of the highest quality and fit well with the pre-existing character of the dwelling to the points where the additions appear seamless.
- 6.3 1 letter of objection has been received from the occupier of 39 Wellesley Road raising the following concerns:
- Object to repositioned and enlarged full sized (floor to ceiling) doubled window and Juliette balcony. This would be closer to the adjoining boundary and the position of the balcony would overlook the garden which would drastically remove any privacy from my rear garden. It would enable someone to sit in a chair in the bedroom, using it as a 'lounge' and look directly into my living room and kitchen.
  - Request deciduous tree on boundary is secured by Tree Preservation Order to lessen dominating (and overlooking) effect.

- Can you confirm if there is a limit to an extension as a percentage of the original dwelling before subsequent extensions have been built?
- Previous extensions built at the property have not been built in compliance with plans approved by Local Planning Authority. 14/01868/FULLN stated a glazed roof lantern but a glazed roof lantern was not built.
- Flat roof extension coupled with a full floor to ceiling window in the end bedroom could eventually be connected creating a large first floor balcony which would have a huge capacity to overlook all the adjoining properties.
- Would like to request ground floor extension is with a tiled sloping roof.

## 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
- E2 – Protect, Conserve and Enhance the Landscape Character of the Borough
- E4 – Residential areas of Special Character
- E5 - Biodiversity
- LHW4 – Amenity

### 7.3 Supplementary Planning Documents

- Residential Area of Special Character Supplementary Planning Document (January 2019).
- Andover Residential Area of Special Character (RASC) Appraisal (Andover 2E, Winchester Road South).

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the area
- Impact on Trees
- Impact on wildlife
- Impact on amenity

### **Principle of Development**

8.2 3 Little Orchard Court is within the settlement boundary of Andover upon the Revised Local Plan maps. The proposal would be acceptable in principle, with regard to policy COM2, subject to being appropriate to the other policies of the Revised Local Plan.

### **The Impact on the Character and Appearance of the area**

- 8.3 Policy E1 states that development will be permitted if it integrates, respects and complements the character of the area in which the development is located in terms of layout, appearance, scale, materials and building styles. Policy E4 requires that development within the Residential Areas of Special Character (RASC) will be permitted provided that the development's size, scale, layout, type, siting and detailed design are compatible with the character of that Residential Area of Special Character. The RASC appraisal which includes 3 Little Orchard Court details a strong character of tree/hedge coverage together with post war housing which is consistent in form, materials and size.
- 8.4 The single storey element of the proposal would not be visible from the public realm and the proposed materials which match the host property would ensure a satisfactory integration between the two. The first floor side extension would be visible from the public realm however the use of matching materials (clay tiles for the roof and red brick for the walls) would ensure it integrates with the host dwelling and would also be in keeping with the matching materials which unite the four properties on Little Orchard Court as identified in the Andover RASC appraisal.
- 8.5 With regard to the side extension, although the width of the house would increase within the street scene to a degree as a result of the development it is not considered that this would be overly large compared to its neighbours within this particular RASC nor would it harm the open, landscaped characteristics which define these areas.
- 8.6 In conclusion, the proposal would maintain the visual contribution the property makes to the street scene, Andover RASC and wider area and it would thereby comply with policies E1 and E4 of the RLP.

### **Impact on Trees**

- 8.7 The Tree Officer commented on the identical application made earlier in 2020 (20/00116/FULLN) that no trees would be affected by the proposal but the protected Lime tree along the front of the property could be accidentally damaged during the development process as space to along the frontage of the site it restricted. As such, it would be prudent to protect the Lime tree by using tree protective fencing to prevent storage of material or the use of the root protection area for any development activities. A condition is recommended requesting details of tree protection measures prior to the commencement of development.
- 8.8 The Tree Officer considers that the deciduous tree mentioned in paragraph 6.3 above would be likely to score unacceptably low in their assessment when assessing trees for new Tree Protection Order (TPO). Additionally, the tree is of no discernible public amenity value and there is also no current known threat to the tree, which would justify a TPO being made. To conclude, the proposed development would not result in any significant harm to the health and vitality of trees within the site and thereby complies with Policy E2 of the RLP.

### **The impact on wildlife**

- 8.9 Policy E5 of the RLP permits development that will conserve and where possible restore and/or enhance biodiversity in the Borough.
- 8.10 As part of similar application made earlier in 2020 (20/00115/FULLN & 20/00116/FULLN) the Ecologist raised concerns that the development may affect bats, which are protected under UK law. In response to the Ecologist's comments to the applications earlier in 2020, the applicants submitted a bat survey with this application.
- 8.11 The assessment of the impacts on bats at 3 Little Orchard Court was undertaken by a suitably qualified ecologist. The Council's Ecologist's comments on this survey will be included within the Update Paper.

### **The impact on amenity**

- 8.12 Policy LHW4 states that development will be permitted provided that it provides for the privacy and amenity of its occupants and those of neighbouring properties and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

#### 39 Wellesley Road

- 8.13 Concerns regarding loss of privacy and overlooking have been raised by the occupier at 39 Wellesley Road who considers that they would experience and unreasonable loss of privacy from the proposed Juliette balcony at first floor level.
- 8.14 The proposed extension at first floor level would take the property and the proposed Juliette balcony closer to the southwest boundary of the application site by extending the ridge line by 2 metres and moving the opening in the master bedroom 1.5m in the same direction. The proposed balcony would not be big enough to allow any external activity and although someone could stand at the windows, the views to the rear of 39 Wellesley Road would be at an obtuse angle and at a distance in excess of 35 metres. Due to the juxtaposition of these neighbouring properties there would not be any unreasonable overlooking opportunities into the either rear garden or house at 39 Wellesley Road as a result of the scheme.

#### 2 Little Orchard Court

- 8.15 A shadow diagram undertaken suggests that the majority of the shadow caused by the proposed extension at first floor level would fall in the rear garden of the host property. There would be no additional shadowing in the garden of 2 Little Orchard Court as a result of the proposal. In the evening the shared driveway at the front of 2 Little Orchard Court would be in shadow however this is not considered a principal outdoor amenity space and is therefore considered acceptable. This property would be distant from the proposed side extension and would the occupants would not experience any significant loss of privacy as a result of the proposal.

8.16 The proposed development would not result in any significant harm to the occupants of adjoining and nearby property in respect of light, outlook or privacy. As such the scheme would comply with policy LHW4 of the RLP.

## 9.0 **CONCLUSION**

9.1 The proposal would integrate, respect and complement the character of the area and would be in accordance with the details within the Andover Residential Area of Special Character guidance paper and as such complies with Policy E1 and E4 of the RLP. The development has been considered to provide for the privacy and amenity of its occupants and those of neighbouring properties in accordance with Policy LHW4 of the RLP.

## 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. **The development hereby permitted shall not be carried out unless in complete accordance with the details shown on the submitted plans**  
**Existing and proposed floor plans – 2953-05**  
**Existing and proposed Elevations – 2953-04**  
**Reason: For the avoidance of doubt and in the interests of proposed planning.**
3. **No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days' notice shall be given to the Local Planning Authority that it has been erected. Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.**  
**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).**
4. **Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**  
**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

**Notes 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.**
  - 2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
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