
APPLICATION NO.	19/02236/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	17.09.2019
APPLICANT	Mr J R Brown
SITE	23 The Avenue, Andover, Hampshire, SP10 3EW, ANDOVER TOWN (MILLWAY)
PROPOSAL	Erection of dwelling and carport and reconstruction of double garage to single garage with parking and access via Ambleside onto Eversfield Close
AMENDMENTS	Please see paragraph 3.4 of this Committee report
CASE OFFICER	Fay Eames

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site is 0.09 ha in size and is situated in the rear garden associated with 23 The Avenue. It consists of mown grass and areas of the site are used for growing vegetables. The site is bound on its northern, eastern and western boundaries by a 1.8m high fence and a hedgerow of a similar height is situated along its western boundary closest to 23 The Avenue. The southern boundary of the site is bound by a 1.2m high fence. The site is situated within the Andover Residential Area of Special Character (RASC). The overall character of the Andover RASC is one of low density residential development, larger than average plot sizes and established mature gardens and trees which create a verdant landscape character.
- 2.2 There are a number of mature trees within the vicinity of the site. Approximately 5m to the north of the site is a weeping beech tree protected by virtue of a Tree Preservation Order (TPO). To the east of the site within the rear garden of 27 Croye Close is a mature lime tree, also protected by a TPO. To the south and south-west of the site boundaries are a group of trees protected by a TPO. This grouping consists of a yew tree (3.2m from the site's southern boundary), a lime tree (within 1m of the site's western boundary) and a Norway maple (16m from the site's western boundary). There are no trees protected by TPO within the proposal site itself.

3.0 PROPOSAL

- 3.1 The proposal is for the construction of a five bedroom dwelling and ancillary carport within part of the rear garden of 23 The Avenue. At its highest point the ridge of the new dwelling is proposed to measure 6.9m above existing ground levels and at its widest point the new dwelling is proposed to measure 13.9m.

The proposed car port is a flat roof structure situated forward of the principal elevation structure measuring 2.6m in height and 9.5m in width and will be able to accommodate 3 cars.

- 3.2 The reconstruction of the double garage which serves Ambleside into a single garage is also proposed with the resulting space utilised to create new access arrangements into the proposal site.
- 3.3 The existing access arrangements from Eversfield Close that serve Ambleside would be utilised to provide access into the site. No alterations of this existing access onto Eversfield Close is proposed.
- 3.4 During the determination of this application several amendments to the plans have been made to address concerns from our Trees and Highways Officer. This includes changing the proposed garage serving the new dwelling to a carport and the submission of additional information in respect of tree protection measures.

4.0 **HISTORY**

- 4.1 18/01912/FULLN - Erection of dwelling and garage with access via Ambleside onto Eversfield Close and reduce existing garage to a single. **WITHDRAWN**
05.11.2018

5.0 **CONSULTATIONS**

- 5.1 **Ecology** - no objection, informative recommended.
- 5.2 **Highways** - no objection. Following submission of additional vehicle tracking Highways Development Planning considers that there is sufficient space within the site for the movement of cars.
- 5.3 **Landscape** – comment. Condition recommended in respect of submission of detailed hard and soft landscaping and management scheme.
- 5.4 **Trees** – no objection. Additional information submitted addresses the areas of concern. A condition is recommended requesting an updated arboricultural method statement and tree protection plan.
- 5.5 **Environmental Protection** – no objection. The proposal has planned the collection of waste and recycling from the property (i.e. from Eversfield Close) and this arrangement is acceptable for the Council.
- 5.6 **Natural England** – no objection to Appropriate Assessment and recommendation that woodland planting be proposed for nitrate mitigation land.

6.0 **REPRESENTATIONS** Expired 30.11.2020

- 6.1 **Andover Town (Millway) Council:** No objection.

6.2 **18 letters of objection received.** A summary of the objections are as follows:

Andover Residential Area of Special Character

- The proposal would have an adverse impact on the character and distinctiveness of the RASC and disrupt the established pattern of development contrary to policy E4 of the TVBRLP and the Andover RASC SPD (particularly paragraphs 4.7-4.13) in light of its siting, layout, design and loss of landscaping;
- The proposal does not respect the design characteristics of the area;
- The scale of the proposal and its visibility of the proposal from The Avenue, adjacent public footpath, Eversfield Close and Croye Close would be visually harmful to the character and appearance of the area;
- Approval of this proposal will create a precedent for future backfill development which is not supported by the Andover RASC SPD or policy E4 of the TVBRLP;
- The design of the proposal and proposed materials is not in keeping with surrounding properties in The Avenue, Croye Close and Eversfield Close;
- The scale, density, bulk and size of the proposal is undesirable and out of keeping, degrading the character of the area;
- Overdevelopment of the plot, the amount of building on the plot is out of proportion with plot sizes within the RASC.

Trees

- Concerns in respect of loss of hedgerow and trees, some of which are protected through a TPO, to accommodate the proposal and the impact of their removal on the special character of the RASC;
- Concerns in respect of development within root protection areas and the health and future retention of trees to be retained, particularly the mature trees within the site and the weeping beech on the drive of Ambleside;
- Loss of green space with the RASC;
- Views from Croye Close looking towards 23 The Avenue will be adversely affected;
- The impact of the proposal on large trees within 100m of the proposed development site have not been considered.

Biodiversity

- The subdivision of gardens exerts pressure onto the existing natural environment;
- Proposal has not demonstrated nutrient neutrality in line with Natural England Guidance dated June 2020;
- No assessment has been undertaken in respect of the potential impact of the development on bats, other protected species and wildlife;
- Information contained within the biodiversity checklist is inconsistent with the arboricultural impact assessment in respect of the trees affected by the proposal;

Parking and Highways

- Concerns in respect of insufficient turning space within the site to enable vehicles to leave in a forward gear particularly given proximity of site access to a public right of way;
- Poor parking and access arrangements;
- Lack of clarity in respect of access arrangements for Ambleside and the proposed dwelling;

Amenity

- Insufficient private open space for 23 The Avenue which will be overshadowed by trees resulting in future pressure to fell;
- The garden at 23 The Avenue will be harmed if used as a storage and parking area during construction work.
- The proposal would spoil the view from a wide arc of neighbours' properties in Croye Close, Winterdyne Mews and The Avenue.
- Loss of sunlight and shadowing for neighbouring properties;
- The proposal is not a 1½ storey dwelling but a 2 storey dwelling and would dominate the back garden of 25 The Avenue, causing over shadowing.
- The proposed two storey dwelling would be an eyesore for neighbouring residents;
- Overbearing impact on neighbouring properties;
- Loss of privacy/overlooking to neighbouring properties, particularly in respect of 27 and 29 Croye Close and adjacent properties accessed from The Avenue;
- Loss of outlook and overbearing impact on neighbouring property both from the proposed new dwelling and from the proposed garage, particularly those residents of Croye Close, The Avenue and Winterdyne Mews;

Other

- Reduction in the value of neighbouring properties;

6.3 **Officer Note:** The reduction in value of neighbouring properties as a result of the proposal and the loss of view are not material planning considerations. Objections also make reference to a public right of way running west-east adjacent to the entrance into Ambleside. This is not a designated public right of way but is a pedestrian footpath connecting Eversfield Close to Croye Close.

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)(TVBRLP)

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E2 – Landscape Character of the Borough

Policy E4 – Residential Areas of Special Character

Policy E5 Biodiversity
Policy E8 - Pollution
Policy LHW4 – Amenity
Policy T1 – Managing Movement
Policy T2 – Parking Standards

7.3 Supplementary Planning Document

Residential Areas of Special Character Supplementary Planning Document (SPD) January 2019 (supported by the Andover Residential Area of Special Character Appraisal January 2018)

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 amenity of neighbouring property
- Impact on trees and landscape character
- Impact on ecology and nutrient neutrality
- Impact on parking provision

8.2 **Principle of development**

The site lies within the settlement boundary of Andover as defined on the Inset Maps of the TVBRLP. In accordance with Policy COM2 of the TVBRLP 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 and appearance of the area**

The site is situated within the Andover Residential Area of Special Character (RASC). Policy E4 of the TVBRLP states that development within RASCs will be permitted provided that:

- a) the resulting sizes of both the proposed and remainder of the original plot, when sub-divided, are not significantly smaller than those in the immediate vicinity; and
- b) the development's size, scale, layout, type, siting and detailed design are compatible with the character of that RASC.

8.4 The supporting text to Policy E4 in paragraph 7.31 of the TVBRLP clarifies that *'the policy does not intend to prevent development, but aims to retain their distinctive local character through the control of subdivision of plots or extension to existing buildings leading to higher density development and impact on those aspects that make that special character'*. The supporting text goes on to state that *'in order to help retain the character of the area the resulting size of both the proposed and remainder of the original plot when sub-divided should not be significantly smaller than those within the immediate vicinity'*.

8.5 Policy E1 of the TVBRLP is also relevant for consideration. It states that *‘development will be permitted if it is of a high quality in terms of design and local distinctiveness and to achieve this development should integrate, respect and complement the character of the area in which it is located in terms of layout, appearance, scale, materials and building styles’*. In addition, Policy E1 states that to achieve high quality development proposals should *‘make efficient use of land whilst respecting the character of the surrounding area and neighbouring uses’*.

8.6 *Policy E4, Criterion a)*

The current plot size of 23 The Avenue is 0.16ha. The proposal will reduced the plot size of 23 The Avenue to 0.07ha. The plot size for the proposed dwelling and its curtilage (excluding the access road) would be 0.07ha. Accordingly, the sub-division proposed would create two new plots of relatively equal size to one another.

8.7 The Andover RASC SPD (January 2019) provides detail on sub-areas within the Andover RASC of similar characteristics which make up its overall special character. Underpinning this detail is an assessment of plot sizes within these smaller areas. The site falls within area ‘Andover 1B: The Avenue and Eversfield Close’. Table 2, page 6 of the SPD states that within area Andover 1B, the smallest plot size is 0.03ha, the largest is 0.29ha and the average is 0.08ha.

8.8 The current plot size of 23 The Avenue is above the average for this part of the Andover RASC. The sub-division of the plot into two would create two plots of relatively equal size which are comparable to the average for area ‘Andover 1B’. This is summarised in Table 1 below. Glimpsed views of development within Croye Close can also be seen from Eversfield Close as you look towards the application site. As such, the average plot size for area ‘Andover 1E: Croye Close’ has also been included within the table. Table 1 also includes a comparison of plot sizes for all adjacent plots which share a boundary with the application site.

8.9 **Table 1:** Plot sizes in areas ‘Andover 1B’, ‘Andover 1E’ and adjacent neighbouring properties in comparison to proposal

Address	Plot size (ha)
Average for area Andover 1B: The Avenue and Eversfield Close	0.08
Average for area Andover 1E: Croye Close	0.07
Proposed plot for new dwelling	0.07
Remaining plot of No 23 The Avenue	0.07
21 The Avenue	0.08
25 The Avenue	0.17
27 Croye Close	0.08
29 Croye Close	0.08

8.10 It is noted that the plot at 25 The Avenue is larger than the proposal site and the proposed remaining curtilage for 23 The Avenue. However, this plot size is well above the average for this part of the RASC and the majority of the plots within the immediate vicinity of the application site are of comparable size. Public views of the proposal are also limited to views towards the application site from Eversfield Close. From this public viewpoint the proposal site would not be appreciated in the context of the plot size at 25 The Avenue. It is considered that the resulting sizes of both the proposed and remainder of the original plot when sub-divided would be in keeping with the average plot sizes for this part of the RASC and would not be significantly smaller than those within the immediate vicinity. The proposal complies with criterion a).of Policy E4.

8.11 *Policy E4 criterion b and Policy E1*

The development is of a type which is considered to be compatible with other neighbouring residential uses. The proposal is for a 1½ storey dwelling measuring 6.9m above existing ground levels to its ridge at its highest point. Neighbouring properties consist of a bungalow (5.7m to the ridge) and two storey dwellings at numbers 21, 23 and 25 The Avenue and 27 and 29 Croye Close. The size of the proposal is therefore considered to be in keeping with properties within the vicinity of the application site.

8.12 Whilst the proposed new dwelling fills the majority of the plots in terms of its width, this layout is similar to existing dwellings relative to one another along The Avenue. The distance between 23 and 21 The Avenue is 2.13m at its closest point. The relationship between 23 and 25 The Avenue is 4m. By comparison the distance between the proposed new dwelling and the side elevation of Ambleside is 7m. A generous front and rear garden is also able to be accommodated. Accordingly, the scale and layout of the proposed dwelling and its associated car port within the plot is considered to be in keeping with the layout of neighbouring properties within the area.

8.13 In terms of design, the proposal is 1½ storeys and would consist of a central structure with a pitched roof and a projecting gable on both the front and rear elevations. A dormer window would feature on the front elevation at first floor level. External materials would consist of a grey brick plinth, light coloured render, vertical timber cladding, dark grey UPVC window frames and doors and dark grey clay roof tiles.

8.14 Properties within the vicinity of the proposal site feature a variety of different roof forms, including full gable, hipped and half hip. Dormer windows can also be seen on neighbouring properties. Materials within Eversfield Close, The Avenue and Croye Close consist of light coloured render, brick, dark clay roof tiles and a variety of light and dark window frames and doors. Timber cladding is less of a common feature but it is considered that it is a material which will be recessive and sit comfortably within the verdant context of the site, adding detail to the design of the building. The proposed 1½ storey design is considered to add interest in design terms. Accordingly, it is considered that the design of the building is compatible with the character of the RASC.

- 8.15 In respect of siting, it is recognised that the majority of the houses within the RASC and specifically the area identified as 'Andover 1B' have been positioned fronting the road. However, the Andover RASC Appraisal (January 2018) which informed the preparation of the Andover RASC SPD provides additional detail on specific areas within the RASC that make up its character. Page 17 provides a summary of the characteristics of area 'Andover 1B' and states that '*in some of the larger plots there has been back-land development, forming sub-areas of small closes*'.
- 8.16 The proposal site is to be accessed from Eversfield Close and there are other examples of back-land development which are also accessed from this road. Four properties have been constructed in what once was the rear gardens of 17 and 19 The Avenue. In addition, the property adjacent and to the north of the proposal site known as Ambleside has been constructed in what was once the rear garden associated within 21 The Avenue. It is considered that the siting of the proposal site, although not fronting The Avenue, would be compatible with the character of the RASC as it would be in keeping with the siting of adjacent development at Ambleside and the four properties to the rear of 17 and 19 The Avenue.
- 8.17 Public views of the proposal would only be possible from Eversfield Close when standing at the entrance to Ambleside looking towards the application site. The existing access arrangement serving Ambleside from Eversfield Close is not proposed to change and it is considered that the visual impact of the proposal from public viewpoints within the RASC will be limited. The reduction in the size of the double garage at Ambleside will be perceptible alongside the small access track to the side of this and the first floor level of the proposed new dwelling. However, due to the proposed dwelling's 1 ½ storey size, use of materials, the degree of open space within the application site relative to neighbouring property and the retention of the mature trees protected by TPO it is considered that the spacious and verdant character of the RASC would be retained.
- 8.18 To conclude, the proposal's size, scale, layout, type, siting and detailed design are considered to be compatible with the character of the Andover RASC as a whole and area 'Andover 1B' in which it is situated. It is considered that the proposal would make efficient use of land whilst respecting the character of the surrounding area. The proposal thereby complies with policies E1 and E4 of the TVBRLP and the Andover RASC SPD January (2019).
- 8.19 **Impact on amenity of neighbouring property**
Concerns have been raised in respect of the amenity impact of the proposal on neighbouring properties, particularly in terms of loss of privacy and overbearing. The nearest neighbours affected by the proposal are 27 and 29 Croye Close, Ambleside and 21, 23 and 25 The Avenue.

8.20 *27 and 29 Croye Close*

These properties are situated to the east and north-east of the application site. The rear elevation of the proposed dwelling would face towards the rear elevations of these properties. The separation distance between the rear elevation of the proposed dwelling and the rear elevations of 27 and 29 Croye Close would be in excess of 20m at their closest points. A timber framed seating area measuring 3.85m to the ridge and 8.55m in width is situated in the rear garden of 27 Croye Close and provides a degree of physical separation and screening between this neighbour and the proposed dwelling. The separation distances, in addition to the 1 ½ storey design of the proposal and intervening built form, is considered sufficient to ensure that the proposal would not result in an overbearing impact on the internal and external living conditions of these neighbouring properties.

8.21 Rooflights are proposed at first floor level on the rear elevation of the proposed dwelling. These rooflights would serve a landing and a bedroom. Such is the orientation of the rooflights that views out of these windows would be looking upwards and would not provide a direct angle of view towards 27 and 29 Croye Close. A window is also proposed to serve a bedroom at first floor level on the rear elevation of the proposed dwelling. The separation distance of in excess of 20m would ensure that the privacy of 27 and 29 Croye Close and occupiers of the proposed dwelling is provided for to an acceptable extent in accordance with Policy LHW4 of the TVBRLP. In addition, a mature lime tree is situated within the rear garden of 27 Croye Close which would provide a degree of screening between the proposed dwelling and 27 and 29 Croye Close.

8.22 The timber framed seating area in the rear garden of no 27 is used as an outside amenity space. Views of this area will not be possible from the proposed dwelling because of the tiled roof and enclosed nature of the structure. It is noted that there is a conservatory surrounded by an outside seating area to the rear of 27 Croye Close however the separation distance is considered acceptable to provide for the privacy of this outside amenity space. The timber framed seating area will also provide a degree of screening. Views from the bedroom window towards the outside amenity space of 29 Croye Close will be angled due to the juxtaposition of both properties in respect of one another and will be partially obscured by the lime tree in the rear garden of 27 Croye Close.

8.23 *21, 23 and 25 The Avenue*

The front elevation of the proposed dwelling would face toward the rear elevations of numbers 21, 23 and 25 The Avenue. The separation distances between the front elevation of the proposed dwelling and the rear elevations of these properties at their closest points are in excess of 30m. Intervening boundary treatment within the gardens of 23 and 25 The Avenue and the weeping beech within the front garden of Ambleside will partially obscure the new views at first floor level from the proposed dwelling towards these properties. The separation distance between these properties and the proposed dwelling would ensure that the privacy of neighbouring properties and occupiers of the proposed dwelling is provided for in accordance with Policy LHW4 of the TVBRLP.

- 8.24 The site is bound on its northern, eastern and western sides by a 1.8m high fence. Views from the ground floor towards 21 and 23 The Avenue will be screened by this fencing. The fence along the southern boundary of the site is 1.2m in height. The proposed car port will obscure views from the windows on the front elevation on the ground floor of the proposed dwelling towards 25 The Avenue. Additional landscaping along the southern boundary is proposed to provide screening between the application site and the rear garden of 25 The Avenue. One roof light is proposed on the side elevation facing the rear garden of 25 The Avenue. Views from this window will be angled upwards away from the garden of 25 The Avenue. A window and a door is also proposed on this side elevation and these will face onto the rear part of the garden of 25 The Avenue. This part of the garden is not a primary outside amenity area and views from these windows will be partially screened by additional planting which is to be secured through condition. Additional screening will ensure that the privacy of the rear garden of 25 The Avenue is provided for in accordance with Policy LHW4 of the TVBRLP.
- 8.25 *Ambleside*
The side elevation at Ambleside is situated 7m to the north of the proposed dwelling. Windows are proposed on the ground floor but views into Ambleside will not be possible because of the existing 1.8m high fence along this boundary. Only one window is proposed on this elevation; this is a roof light and is situated at a distance of 16m from Ambleside. The angled nature of the roof light and its separation distance would ensure that the proposal will provide for the privacy of neighbours at Ambleside and future occupiers of the proposed dwelling in accordance with Policy LHW4 of the TVBRLP.
- 8.26 The side elevation of the proposed dwelling will be adjacent to an outside patio area which serves Ambleside. Whilst the proximity between this outside seating area and the side elevation of the proposed dwelling is noted, this is not the only garden and patio space serving Ambleside. The patio area continues to wrap around the rear elevation of Ambleside and additional garden space is also available at the rear. As such, it is considered that the proposal would not be overbearing on this area of outside amenity space given that there are other areas of garden and outside patio available and that the amenity of the occupants of Ambleside would be provided for in accordance with Policy LHW4 of the TVBRLP.
- 8.27 Shadow diagrams have been provided by the applicant during the months of February, May, August and November. This illustrates that the shadow will fall across the front garden of the proposed new dwelling in the morning and the side garden of Ambleside from midday onwards. Whilst there is an increase in shadow in the side garden of Ambleside a degree of shadowing is already cast by the 1.8m high fence. Further, in the spring and summer months when the outside patio area is likely to be used the most it has been demonstrated that this side patio will still receive sunlight all throughout the day and that the part of the seating area closest to the property will not be overshadowed.

8.28 A small degree of shadow may fall within the rear garden of 29 Croye Close but this degree of shadow would be no more than the shadow already cast by the existing 1.8m high fence. The proposal has demonstrated that it would not reduce the levels of daylight and sunlight reaching neighbouring properties of private open space to below acceptable levels in accordance with Policy LHW4 of the TVBRLP.

8.29 *Proposed Garden*

The garden for the proposed new dwelling measures 17m in width and 13m in depth at its widest points. This is a generous garden and is considered more than sufficient to serve the needs of a five bedroom dwelling. The remaining garden serving 23 The Avenue would measure 17m in width and 27m in depth at its widest points. This is also considered a generous garden size and more than sufficient to serve the needs of the property at 23 The Avenue.

8.30 **Impact on trees**

The application is supported by an Arboricultural Impact Assessment undertaken by S J Stephens Associates Arboricultural, Landscape and Management Consultants. The report has provided a survey of the trees within the vicinity of the application site, a tree protection plan and a preliminary arboricultural method statement. The site survey and accompany report considers trees and shrubs within influencing distance of the proposed development with a stem diameter over 75mm at 1.5m in height. Additional information from SJ Stephens Associates was submitted on 13th November 2019 which addressed the concerns raised by the Trees Officer.

8.31 The trees within influencing distance of the site include a high quality weeping beech tree within the front garden of Ambleside (labelled as T10 within the Arboricultural Impact Assessment), a mature Norway maple (T2), a lime (T3) located in the remaining garden of 23 The Avenue and a multi-stem yew tree (T7) in the garden of 25 The Avenue. The Arboricultural Impact Assessment confirms that there is another mature lime tree (T9) within the vicinity of the site in the rear garden of 27 Croye Close. This is not affected by the proposed development as its crown and root protection area (RPA) sits outside of the development site. Tree protection fencing is proposed within the RPAs for all protected trees with the exception of areas which are to be protected by other means, such as a no dig method of construction with cellular confinement system and ground protection areas.

8.32 *No dig method of construction and cellular confinement system*

The new driveway and parking area to serve the proposed dwelling is shown to encroach into the RPAs of the weeping beech (T10), lime (T3) and Norway maple (T2) trees. To protect the roots of these trees and ensure their future retention the areas of the proposed driveway which will encroach into the RPAs will be constructed using a 'no dig' method of construction. This means that the driveway must be constructed without excavation apart from the removal of turf/organic matter, which must be carried out by hand, up to a maximum of 50mm. A three dimensional cellular confinement system is then used to construct the driveway to provide load support without compaction and pressure on the RPAs, allowing air and moisture to permeate to the root zone.

A full methodology is provided within the Arboricultural Impact Assessment and this has been agreed as acceptable by the Tree Officer.

- 8.33 The areas of the driveway outside of the RPAs will be constructed to meet the level determined by the no-dig construction and cellular confinement system, which will raise the level of the driveway by 285mm. Within the initial submission it was not illustrated on the Tree Protection Plan that the new access ramp into the site from Ambleside, which is to be constructed on the former footprint of the double garage, would be constructed using the no dig method of construction and cellular confinement system. A cross-section was provided on 4th November 2019 to the satisfaction of the Trees Officer illustrating how the driveway will be constructed using the no dig method of construction and cellular confinement system and confirming that the access ramp will also be constructed with this method.
- 8.34 For the areas outside of the RPAs, it has not been confirmed whether the cellular confinement system will be used or whether a simpler and more expedient system will be utilised. The Trees Officer considers that it is acceptable for this clarification to be provided as part of an updated Arboricultural Impact Assessment in addition to an updated Tree Protection Plan which shows the location of the access ramp to be constructed and the carport which is to be constructed in place of the garage originally proposed to serve the proposed dwelling. The submission of an updated Arboricultural report has been secured through pre-commencement condition.
- 8.35 A small area of the proposed dwelling itself is situated within the RPAs of T10 and T7. These areas will be dug by hand to ensure minimal impact on any roots found and the methodology for this area of hand dug excavation is outlined within the Arboricultural Impact Assessment submitted with the application. The Arboricultural Impact Assessment states that the amount of root loss caused by these small areas of hand dug excavation is too insignificant to affect the vitality of trees T10 and T7 and this has been agreed and confirmed as acceptable by the Trees Officer.

8.36 *Tree Removal*

Three trees identified as 'low quality' within the Arboricultural Impact Assessment are proposed for removal to facilitate new access into the development. These include two Lawson cypress trees (T12 and T13) situated within the front garden of Ambleside. These trees are not protected by TPO and are considered to be of low amenity value given their small size and that they are of a species not common within the RASC. An apple tree (T8), shrubs (G5) and a privet hedge (G6) are situated on the footprint of the proposed development and are to be removed. They are of low quality, are not protected by virtue of a TPO and are not visible from the public realm. Their removal is considered acceptable subject to a scheme of replacement planting. The submission of a scheme of hard and soft landscaping for approval has been imposed through condition.

8.37 *Shading*

Shading patterns for the trees within influencing distance of the proposed development have been shown on the Tree Protection Plan. This shows that a section of the front elevation, which comprises the entrance hall, together with a bedroom, bathroom and utility room, are affected by potential tree shade. As the main living areas are unaffected by tree shade it is not considered that the location of the new dwelling will affect the future sustainability of these trees and result in pressure to fell from obstruction of sunlight.

8.38 In summary, the information submitted in support of the application demonstrates that the trees protected by virtue of TPO within the zone of influence of the proposal will be protected so that their health and future retention will not be adversely affected by the proposal both during construction and occupation of the dwelling. The proposal has demonstrated that the development can come forward in a way that would protect and conserve the landscape character of the area and that it has been designed to ensure that the health and future retention of important landscape features would not be prejudiced. The submission of a landscaping scheme would ensure that the driveway's visual appearance will positively integrate with the landscape character of the area and a scheme of replacement tree and shrub planting is required as compensation for the vegetation to be removed. The proposal is considered acceptable in accordance with Policy E2 of the TVBRLP.

8.39 **Impact on ecology**

The County Ecologist was consulted on this application. No objections were raised in respect of the development adversely affecting any statutory or locally designated sites of wildlife importance or any legally protected or notable habitats or species within the application site or its area of influence. An informative in respect of nesting birds and a condition in respect of biodiversity enhancement measures has been imposed as recommended by the ecologist.

8.40 In June 2019 Natural England published guidance which required all new developments providing overnight accommodation to demonstrate nutrient neutrality. This guidance was updated in June 2020. The guidance stated that there is evidence that high levels of nitrates from new housing development that results in waste water entering The Solent is contributing towards eutrophication of internationally legally protected sites in the Solent and resulting in a detrimental impact upon the conservation interest of these sites. These sites are;

- Solent Maritime SAC
- Solent and Southampton Water SPA & Ramsar site
- Portsmouth Harbour SPA & Ramsar site
- Solent and Dorset Coast SPA

- 8.41 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.42 The proposed new dwelling would result in an increase of 2.9 Kg/N/Year entering the waste water catchment of The Solent. The applicant has secured an option to purchase agricultural land within the catchment of the River Test which would be removed from agricultural use. For the past ten years the land has been used as sheep grazing by a local farmer and evidence of this use has been submitted in support of this application. The removal of this land from agricultural land for grazing would result in a reduction of 2.9 kg/N/Year entering the waste water catchment of The Solent, thus mitigating the impact of an increase in nitrogen from the proposal and creating a 'nutrient neutral' scheme.
- 8.43 In accordance with Regulation 63 of the Habitats Regulations an Appropriate Assessment has been undertaken which assesses the mitigation proposed. As part of this assessment the local planning authority must evaluate and conclude, as competent authority, that the proposal will not result in a likely significant effect on internationally protected sites and species. The assessment concluded that the proposal, with the addition of the mitigation land, can demonstrate nutrient neutrality and that there will not be a likely significant effect on the internationally protected sites in the Solent. This assessment has also been reviewed by Natural England who have agreed within the outcome of this assessment.
- 8.44 A landscape management and maintenance plan has been submitted confirming that the mitigation land would not be used for agricultural activities in perpetuity and that the land would instead be established and managed as a woodland copse. The landscape management and maintenance plan has been reviewed by the landscape officer who has confirmed that it is acceptable. Subject to the completion of a section 106 legal agreement to ensure that the mitigation land is managed in perpetuity as per the agreed scheme it is considered that the proposal is nutrient neutral and would not have an adverse impact upon the internationally protected sites in the Solent. The proposal complies with Policies E5 and E8 of the TVBRLP and Regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- 8.45 **Parking provision and access**
Annex G of the TVBRLP requires that five bedroom dwellings provide 3 car parking spaces. An initial objection was raised by the Highways Officer that the proposal could not accommodate three parking spaces. To address this concern revised plans were submitted on 11th December 2019 demonstrating that three car parking spaces can be accommodated off road in compliance with our parking standards and to the space dimensions required by policy T2 of the TVBRLP. These additional plans included vehicle tracking illustrating that each parking space could be accessed and egressed in a safe and

efficient manner. The existing access is not to be changed and the Highways Officer considers that this access is sufficient in highway safety terms to accommodate the additional trip generation from the proposed dwelling. The proposal complies with policies T1 and T2 of the TVBRLP.

9.0 CONCLUSION

- 9.1 It has been demonstrated that the proposal is compatible with the Andover RASC and will not undermine its special character. The materials proposed are considered acceptable and will ensure that the proposal satisfactorily integrates with the character of the area and the scale of the dwelling is considered an appropriate response to the context of the site and will ensure that the spaciousness and verdant character of the RASC will be maintained.
- 9.2 The proposal has demonstrated that trees within influencing distance of the proposed development will be protected during the construction and occupation phases of the development. The 1 ½ storey nature of the dwelling, separation distance, use of rooflights and intervening tree cover and built form will ensure that the privacy and amenity of neighbouring properties and that of occupiers of the proposed dwelling would be provided for. Efficient parking and manoeuvring of three vehicles within the site has been demonstrated and the existing access is considered suitable in highway safety terms to serve the proposed dwelling.
- 9.3 Subject to the completion of a section 106 legal agreement, the proposal has demonstrated nutrient neutrality and that it will not have a likely significant effect on internationally protected sites within The Solent. The proposal complies with policies COM2, E1, E2, E4, E5, E8, LHW4, T1, and T2 of the TVBRLP.

10.0 RECOMMENDATION

Delegate to the Head of Planning and Building that subject to the completion of a S106 legal agreement to secure Nutrient Neutrality, then PERMISSION subject to:

- 1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
P19-030-02-02-001A Amended Location & Block Plan, Feb 2021
P19-030-02-02-002D Amended Proposed Site Plan, Feb 2021
P19-030-02-03-002B Proposed Garage Elevations, Aug 2019
P19-030-02-04-001B Proposed Site Section A-A, Aug 2019
P19-030-02-04-002A Proposed Site sections B.B & C.C, Oct 2019
B.201/1 Rev A Parking Space 1, Nov 2019
B.201/2 Rev A Parking Space 2, Nov 2019
B.201/3 Rev A Parking Space 3, Nov 2019
1205-01 Rev E Amended Tree Protection Plan, Feb 2021
P19-030-02-03-001 Proposed Floor Plans, July 2019**

P19-030-02-03-003 Proposed replacement single garage and elevations, July 2019

P19-030-02-05-001 Proposed elevations, July 2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. 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 on any elevation of the proposal hereby permitted [other than those expressly authorised by this permission] shall be constructed.**

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

- 4. 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) Policies LHW4, E1, E2 and E4.

- 5. Prior to development commencing an updated Arboricultural Impact Assessment shall be submitted to and approved in writing by the local planning authority. The Arboricultural Impact Assessment shall include an updated Tree Protection Plan showing the carport and the extent of the no dig area and cellular confinement system to be used within the RPAs of trees and full details of how the driveway outside of the RPAs will be constructed. The details submitted must include cross sections demonstrating the relationship between the driveway, the carport and the proposed dwelling. It must also include full details of drainage, services and contractor facilities and confirmation that the Tree Protection Fencing and Ground Protection Areas have been laid out as shown on Drawing Number 1205-01 Rev E dated February 2021 and that the Tree Protection Fencing is erected prior to development commencing and maintained throughout the construction process. The development will be carried out in full accordance with the updated Arboricultural Impact Assessment.**
Reason: To ensure a satisfactory relationship between the ground level and built form in the interest of visual amenity and safe and efficient access into the site without detriment to important landscape features within the vicinity of the site in accordance with Test Valley Borough Revised Local Plan 2016 Policies E1, E2, E4 and T2.

- 6. 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 to and approved in writing by the local planning authority. Details shall include a scheme of additional and replacement tree and shrub planting and details of the visual appearance of the new driveway and how this will integrate with the appearance of the existing driveway. Details of any new and replacement fencing shall also be included. 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 which must cover a minimum period of five years to ensure successful establishment. 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.**
- 7. No development shall take place above DPC level until a scheme of biodiversity enhancement has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented as approved before the development is occupied and maintained thereafter for the lifetime of the development. Reason: To ensure that biodiversity enhancements within the site are achieved in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.**
- 8. Notwithstanding the details submitted within the Design and Access Statement dated September 2019, 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) Policies E1 and E4.**
- 9. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier and RPAs of T10, T2, T3 and T7 as shown on the Tree Protection Plan. 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 2016 Policy E2.**

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, 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.**
-