
APPLICATION NO.	20/02653/VARN
APPLICATION TYPE	VARIATION OF CONDITIONS - NORTH
REGISTERED	28.10.2020
APPLICANT	Mr and Mrs D Edmunds
SITE	Georgia Farm Buildings, Georgia Lane, Amport, SP11 8BN, AMPORT
PROPOSAL	Variation of condition 02 (approved plans) and 06 (tree protection) of 18/02477/FULLN (Removal of existing barn, and the erection of a detached dwelling and garage; with associated parking, turning, landscaping, private amenity space, and access arrangements) to allow substitution of drawings 180227-02 Rev B (Site Plan), 180227-03 A (Design Scheme), 180227-04 (Garage) and 1197-01 Rev A (Tree Protection Plan)
AMENDMENTS	Tree Protection Plan MB200914-01-01 A, submitted 18.12.2020 Amended drawing 200634-03B including brick and flint detailing, submitted 03.02.2021.
CASE OFFICER	Mrs Donna Dodd

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

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

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is located in the countryside along a lane that extends to the south from Monxton Road and leads to Georgia Farm. This lane serves a small number of other dwellings and leads to a Public Right of Way (PRoW) No. 29.
- 2.2 The West of England Main Line railway line is approximately 250m to the north of the application site. A further PRoW No. 19 runs between the field and railway embankment.
- 2.3 A large number of trees are situated on the application site, mainly to the south and east of the site. These trees are protected under a Woodland Tree Preservation Order (TPO.TVBC.1157).
- 2.4 Access to the site is currently via an existing gated opening to the south of the site; however, in line with permission 18/02477/FULLN this is to be blocked up and an existing, albeit unused, access is to be formed to the east of the site.

3.0 **PROPOSAL**

3.1 In 2019, permission was granted for the removal of an agricultural barn, and the erection of a detached dwelling and garage; with associated parking, turning, landscaping, private amenity space, and access arrangements.

3.2 This extant permission (ref: 18/02477/FULLN) has been commenced and therefore represents a fall-back position which could be implemented without the need for further planning permission.

3.3 Permission is sought to vary Condition 02 (approved drawings) to allow the approved drawings to be substituted with drawings: 200634-05A (Site Plan), 200634-03B (Design Scheme), 200634-04 (Garage), and to vary Condition 06 (Tree Protection).

3.4 Condition 2

The current proposal seeks to vary Condition 02 of 18/02477/FULLN, in order to supersede the previously approved plans and to allow for the following changes to the scheme:

East Elevation

- Amended to include greater articulation in the design;
- Single-storey roof form amended from hipped to gable end, with the addition of a roof light;
- Addition of two dormer windows at second floor; and,
- Alterations to the size and design of the windows.

South elevation

- The addition of two windows at first-floor;
- Increase in the size of the proposed window at first-floor;
- Addition of a dormer window at second floor;
- Replacement of French doors to 4-panel bi-fold doors; and,
- Decrease in roof height of the two-storey element.

North elevation

- The addition of a side door and circular window, and the re-positioning and design of the window;
- Additional of an external chimney; and,
- Repositioning and re-sizing of the windows at first floor.

West elevation

- The replacement of a ground-floor window and French doors with two sets of bi-fold doors;
- The addition of a roof light and the removal of the door to the single-storey element
- Alterations to the design of the bay window and the addition of a balcony with French doors above;
- Repositioning and re-sizing of the windows at first-floor;
- The addition of a window, dormer window and roof light at second-floor; and,

- The increase in height and depth and the reduction in the width of the rear projection.

Garage

- Repositioning of the garage 2m away from the northern boundary.

3.5 The proposal is on essentially the same footprint as the previously approved dwelling. A summary of the changes to the overall dimensions of the dwelling proposed within this application is presented below:

	2018	2020	Variation
Ridge height at highest point	9.8m	9.8m	No change
Two-storey reduced element	9.8m	8.88m	Decrease of 0.92m
Ridge height of rear projection	9.01m	9.8m	Increase of 0.79m
Width of rear projection	6.26m	5.59m	Decrease of 0.67m
Depth of rear projection	6.15m	7m	Increase of 0.85m
Overall depth of dwelling (excluding bay window)	12.90m	13.94m	Increase of 1.04m
Width of two-storey principal elevation	17.45m	17.50m	Increase of 0.05m
Width of Single storey element	4.51m	4.51m	No change
Depth of single-storey element	5.50m	6.19	Increase of 0.69m
Height of single-storey element	5.25m	5.6m	Increase of 0.35m
Area of single-storey element	24.81m ²	27.92m ²	Increase of 3.11m ²
Overall ground-floor area	201.95m ²	201.83m ²	Decrease of 0.12m ²

3.6 Condition 6

The proposal to vary Condition 06 would allow a minor change to the positioning of the tree protection fencing and would utilise the existing boundary fencing within this.

4.0 **RELEVANT PLANNING HISTORY**

4.1 20/00422/DDTPO - Remove dead and fallen Elm from Woodland (TPO.TVBC.1157 - W2). Consent 24.02.2020

4.2 19/00710/DDTPO - Fell dead Elms and clear fallen trees from within woodland W1 of TPO.TVBC.1157. Approval 20.03.2019

- 4.3 18/02477/FULLN - Removal of existing barn, and the erection of a detached dwelling and garage; with associated parking, turning, landscaping, private amenity space, and access arrangements. Permission subject to conditions and notes 08.03.2019
- 4.4 18/01412/FULLN: Removal of existing barn, and the erection of a detached dwelling and garage, with associated parking, turning, landscaping, private amenity space, and access. Withdrawn 18.07.2018
- 4.5 16/02815/PDQN: Notification for Prior Approval under Class Q - Change of use of agricultural building to dwellinghouse. Refused 17.01.2017. Appeal Allowed 26.01.2018

5.0 **CONSULTATIONS**

5.1 **Landscape – No Objection.**

In principle, the proposals put forward are satisfactory and there is no landscape objection. Although an additional storey has been added, the size and scale of the proposed development remains very similar to that of the previous design.

It is noted from a site visit undertaken (13.11.2020) that a significant amount of soft vegetation which forms part of the screening around the eastern perimeter of the site has been removed, opening up views into the site from the public right of way. The screening here was an important factor in the consideration of the application as it ensured that the development of the new property was not contrary to Policy COM 12 – (that the development should not be visually more intrusive within the landscape). Within the detailed landscape plan which is yet to be submitted, it should be ensured that replacement soft landscaping is planted throughout this wooded area to re-establish this screen within the first available planting season. This should also be accompanied by a landscape management plan to ensure that all new and existing planting establishes and successfully retains a sufficient landscape buffer.

5.2 **Trees – No Objection.**

5.3 **Andover Ramblers – No Objection.**

6.0 **REPRESENTATIONS**

6.1 **Amport Parish Council – No Objection.**

6.2 1 x letter of **Objection**

Georgia Down House, Georgia Lane, Amport SP11 8BN:

'The site is opposite the ancient woodland in Pond Ground. It is down an undeveloped lane which has woodland on either side of the road until recently. A TPO had been established to protect the trees and surrounding hedgerow. However more than 30% of the trees have been removed and a large oak tree (over 100 years old) has been recently damaged. This part of the lane is home to lots of owls, birds of prey and a variety of bats as well as rare corn buntings in the field bordering the plot. It is a regular walk for locals and one of the few places unspoilt.

This variation is asking to remove more of the natural habitat, the trees have already been substantially cut back and to allow for more will destroy the home to a large number of birds.

In addition adding a 3rd floor to a house is unprecedented in this area and will encourage everyone else to increase the sizes of their homes which will all become more visible.

Reasons for objection

- *Anything out of character with other development in the area*
- *Too much development for the site*
- *Approval would create a precedent meaning that it would be difficult to object to similar proposals*
- *The proposed development will damage the natural environment or will result in significant loss of trees or the loss of trees for which tree protection orders are in place*
- *The proposed development is not in keeping with the stylistic context or scale of the local area'.*

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 – Preserve, Conserve and Enhance the Landscape Character of the Borough

8.0 CONSIDERATIONS

Background

8.1 Section 73 of the Town and Country Planning Act 1990 allows for the variation of a condition associated with a planning permission, including to seek a minor material amendment to the approved development. The effect of approving this current application to vary conditions 2 and 6 of the original planning permission would be to accept the amendments detailed on the latest proposed plans and details.

8.2 The main consideration is the effect of the proposal on the character and appearance of the area, and whether the proposals accord with policies E1 and E2 of the RLP in this regard.

Character and Appearance

8.3 Georgia Lane has a rural character which is comprised of attractive woodland together with some sporadic housing. The design, scale and massing of dwellings vary within the local area but are broadly characterised by two and three storey detached dwellings set within generous landscaped gardens.

- 8.4 The proposal is similar to that approved in terms of its positioning, scale and size, and it is only the elevational treatments which offer significant variation. The area has a variety of different styles and design of houses without any dominant style or treatment and as such the appearance of the dwelling would not appear out of place with its surroundings.
- 8.5 Public views from the PRoW 29 to the north of the application site would be at a distance such that any elevational changes would be hardly perceivable. Public views to the application site from PRoW 19 would be partially screened by the existing woodland. Any glimpsed views would be to the principal elevation which would have a reduced frontage to that previously approved.
- 8.6 Whilst the Landscape Officer raises no objection to the proposal, it is recommended that mitigation in the form of planting throughout the wooded area along the site frontage to re-establish the landscape screen is undertaken. It is considered that the retention, enhancement and management of the existing vegetation around the site in addition to new planting would, in time, provide further screening from both public rights of way. Consequently, and subject to a landscaping and maintenance condition which was also included within the previous permission, it is considered that the changes to the design of the property would not have a detriment impact on the character and appearance of the immediate or wider landscape.
- 8.7 An objection to the application sets out that the proposal would be overdevelopment of the site and not in-keeping with the character of the surrounding dwellings. Whilst it is acknowledged that the proposal would introduce a number of changes to all elevations, the proposed dwelling is not substantially different in terms of scale and massing to that previously approved. As such, it is considered that the proposal would respect the character of the area and not appear cramped but suitably considerate of its verdant surroundings.
- 8.8 The objection received sets out that the proposal will damage the natural environment with the loss of protected trees. No protected trees are proposed to be removed, and the Tree Officer has confirmed that there is no objection to the proposal. It is considered that the proposed dwelling and garage would be situated similarly to the approved scheme, and the proposed tree protection would provide sufficient protection to on-site trees.
- 8.9 It is considered that the proposed amendments are relatively minor in nature and would not significantly alter the impact of the originally approved development in respect to the character and appearance of the area. Subject to conditions, the proposed scheme would be in accordance with the relevant criteria of Policies E1 and E2 of the RLP.

Other Matters

- 8.10 Concern has been raised that the changes proposed would set a precedent for future development. Each application for planning permission is judged on its own planning merits. In this instance, the application site benefits from having a fall-back position of extant planning permission (18/02477/FULLN), and this

position is given significant weight in the planning balance. It is considered that the amendments to planning permission 18/02477/FULLN are of a scale and nature that results in a development which is not substantially different from that which has been approved. Consequently, it is considered that granting planning permission in this instance would not set a precedent for future development.

8.11 This fall-back position also means that nutrient neutrality does not need to be addressed within this application as no further residential occupation of the site is proposed above that already granted permission.

9.0 CONCLUSION

9.1 Having regard to the proposed changes to the scheme, it is considered that the resultant development would continue to be acceptable in respect of the principle of development, and subject to conditions acceptable in respect of its impact on character and appearance and trees, and would comply with the relevant policies of the RLP.

9.2 With regard to the proposed conditions, condition 3 (details of materials) of the original planning approval is no longer necessary as details have been submitted to and approved in writing by the Local Planning Authority.

10.0 RECOMMENDATION

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the 8th of March 2019.**
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:**
200634-03 B;
200634-04;
200634-05 A; and,
MB200914-01-01 A.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The development hereby permitted shall not be occupied until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Hard and soft landscaping shall be carried out in accordance with the approved details before the end of the first planting season following occupation of the dwelling.**
Hard landscape details shall include: means of enclosure; hard surfacing materials and exterior lighting.
Soft landscape details 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.

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 policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.

- 4. The development hereby permitted shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. The landscaping shall be maintained in accordance with the approved schedule.**

Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with policies E1 and E2 of the Test Valley Borough Revised Local Plan DPD.

- 5. Development shall proceed in accordance with the details shown on the tree protection plan, drawing number MB200914-01-01 Rev. A (Arbor-Eco Consultancy dated December 2020), and Section 5 of the Arboricultural Impact Assessment prepared by SJ Stephens Associates (February 2019). Tree protective measures shall be installed, 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 barriers.**

Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with policy E2 of the Test Valley Borough Revised Local Plan DPD.

- 6. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barriers without the prior written agreement of the Local Planning Authority.**

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.

- 7. At least the first 6 metres of the re-opened access onto Georgia Lane measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material before first use of the access commencing and retained as such at all times.**

Reason: In the interest of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan DPD.

8. Any gates shall be set back at least 6 metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the highway.
Reason: In the interest of highway safety in accordance with policy T1 of the Test Valley Borough Revised Local Plan DPD.
9. The development shall not be occupied until space has been laid out and provided for the parking of 2 bicycles and the parking and manoeuvring of 3 vehicles to enable them to enter and leave the site in a forward gear and this space shall thereafter be reserved for such purposes at all times.
Reason: In the interests of highway safety in accordance with policies T1 and T2 of the Test Valley Borough Revised Local Plan DPD.

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.
-