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<b>APPLICATION NO.</b>	20/02516/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	15.10.2020
<b>APPLICANT</b>	Mrs P Kaw
<b>SITE</b>	Anfield, 34 Hadrian Way, Chilworth, SO16 7HX, <b>CHILWORTH</b>
<b>PROPOSAL</b>	Retrospective application for an extension to the terrace, providing new basement/garden room underneath and entrance gates
<b>AMENDMENTS</b>	<ul style="list-style-type: none"><li>• Amended site plan received 16/03/2021</li><li>• Ecology Addendum received 22/02/2021</li></ul>
<b>CASE OFFICER</b>	Katie Andrew

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a member.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is a substantial detached dwelling located on the west side of Hadrian Way within Chilworth Parish. The site is adjacent to woodland to the west and includes trees, protected by a Tree Preservation Order to the east and west. The site is located within a Residential Area of Special Character as defined by the Test Valley Borough Revised Local Plan 2016.

## 3.0 PROPOSAL

3.1 The application is retrospective. The application proposes an extension to the terrace, providing new basement/garden room underneath along with new entrance gates

## 4.0 HISTORY

4.1 None relevant

## 5.0 CONSULTATIONS

5.1 **Trees** (in response to additional/amended information) – Comment (summarised)

- Amended site plan provided lacks a detailed assessment of the impact to trees from the recent works.
- Written addendum briefly discusses issues relating to the wall build up but does not convincingly argue why the trees health has not been detrimentally affected.
- Can find no evidence in submitted information to demonstrate that the trees condition may/or may not have changed significantly.

- If the consultant considers that no mitigation is necessary, would expect to see sufficient monitoring evidence provided over a suitable time frame to demonstrate that this is the case.
- **Discrepancies on the plan:** Area close to trees (filled with small crosses on the plan) understood to be replanted with shrubs/small trees or retained as existing. However the plan shows this area as '*minimum area of no dig & porous surfacing*'. This is misleading and requires clarification.
- Note that neighbour's yew tree has been omitted from the plan. Believe it would be prudent to monitor the condition of this tree as well.

*Case officer note: subsequent to the above comment, the applicant has submitted an amended plan which provides clarification.*

- **Officer recommendations:**
  - As well as the large Scots pine within the garden of 34 Hadrian Way, there are several other important pines within the SINC and the neighbour's yew tree (02855) that could have been adversely affected by the works. These trees should be regularly assessed by an independent tree specialist to confirm that their condition has not significantly changed over a reasonable period of time. I suggest this could be annual, with a sign off point of 5 years to confirm that the trees can be retained for the longer term. If in that time it is found that the condition of the trees has worsened, suitable mitigation (in the form of tree planting or soil level reduction) should be provided.
  - Further clarification is required regarding the area of crosses on the plan. For the purposes of minimising further impact to the trees, I recommend that this stays as existing.
  - In terms of planting new trees, I believe it would be appropriate for the applicant to liaise with Forestry England to establish species that will be suitable next to the SINC.

## 5.2 **Ecology** (in response to additional/amended information) – Comment

*“Further information has been provided to address previous ecological concerns within the Addendum to Ecological Findings: Responses to comments (Global Tree Care, January 2021). It is outlined that there has been no change to the volume of water draining from the site into the SINC. The changing of levels within the garden involved moving soil already present on site, and a revised planting scheme has been advised, consisting of native species and the removal of non-natives such as laurel and bamboo. I would advise a suitable method statement for the removal of non-native species, the planting of native species within the proposed site plan and a suitable ongoing management plan should be submitted and secured via planning condition.”*

## 5.3 **Archaeology** – No Comment

## 6.0 **REPRESENTATIONS** Expired 28.01.2021

### 6.1 **Chilworth Parish Council** – Object on the following grounds:

*“The proposal constitutes an overdevelopment of the plot size which will adversely affect the loss of privacy to the neighbouring property no.36 Hadrian Way (Local Plan Policy no. E4(b)) and will detrimentally affect neighbouring trees.”*

**6.2 4 x letters** – Object on the following grounds (summarised):

- Proposed gates are not in keeping with the character of the surrounding area
- Challenge areas of the submitted planning statement including those relating to the level of the garden being the same as the existing and that the swimming pool had been filled in.
- Applicant has removed all trees and shrubs, the garden has been reduced to a sea of rubble and will eventually be almost entirely hard landscaping with the resultant concerns of water run off and drainage. The retaining wall on the boundary is made of breeze-block, unrendered and poorly painted.
- As a result of the greatly raised level of the garden there is now a lack of privacy for the occupiers of the neighbouring property at 36 and 32 Hadrian Way.
- Understand that development is only permitted if it maintains the purpose and overall character in a similar form to that existing. This development does not.
- As the result of the works, the soak away sewer system has collapsed and are causing an overflow and possible damage to the foundation of 32 Hadrian Way
- Ask for a refusal in determining this application.

**5 x letters** – Support for the following reasons (summarised):

- No objections to the new gates which are needed for security.
- New gates are similar in height and design to others in the surrounding area
- Design of the gates has been well thought out and are an improvement to the area.
- Gates are well set back and provide improved visibility.
- Development is similar to that given to Tall Timbers a few doors away
- Understand the family’s need to have a fitness and leisure area

**1 x letter** – Neither objecting/supporting the proposals (summarised):

- Concern over the safety of the work carried out so far
- Substantial digging below existing ground level of the dwelling has been undertaken
- Ground water conditions could result in the building sliding if inadequate foundations are provided.
- It is advisable to assess the quality of work carried out. This is essential for the safety of the property.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Conservation of Habitats and Species Regulations 2010

### 7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2: Settlement hierarchy

E1: High quality development in the Borough

E4: Residential Area of Special Character

E5: Biodiversity

LHW4: Amenity

### 7.3 Supplementary Planning Documents (SPD)

- Chilworth Village Design Statement
- Residential Areas of Special Character (RASC) Appraisals – Chilworth (June 2017)
- Residential Areas of Special Character SPD (January 2019)

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- The principle of development
- Impact on the character and appearance of the surrounding area and RASC
- Impact on neighbour amenity
- Highways
- Trees
- Ecology

### 8.2 **Principle of development**

The site lies within the settlement boundary as defined on the Inset Maps of the Test Valley Borough Revised Local Plan 2016 (RLP). In accordance with Policy COM2 of the RLP, the 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 surrounding area and RASC**

#### Background

The site is located within a Residential Area of Special Character (RASC), as designated by the RLP. Policy E4 of the RLP allows development within RASCs 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 the RASC.

As this proposal does not involve the sub-division of the existing plot, point a) above is not relevant. The application does however need to be assessed against point b).

8.4 To assist with assessing proposals against point b) of policy E4, the Council has published Supplementary Planning Documents (SPDs) including:

- Residential Areas of Special Character (RASC) Appraisals – Chilworth (June 2017)
- Residential Areas of Special Character Supplementary Planning Document (January 2019).

Residential Areas of Special Character (RASC) Appraisals – Chilworth (June 2017)

The site is located within Character Area 3A (Hadrian Way, Side Road). The appraisal describes the character of this area as follows:

- Streets – individual gated entrances from side road/cul de sac. Trees are mainly in plots with a wooded setting to the west. The area is not strongly connected to the main settlement, there are footways on both sides of the road with narrow verges. There are glimpse views of countryside between plots to the south.
- Plots – There is a building line. Buildings have a deep setback, face the main road. Some plots, including this site, drop below the carriageway. Boundaries include evergreen hedges, timber fences and low walls. Parking is mainly within plots.
- Buildings – Mainly post war with 1.5 – 2 floors. Buildings include regular facades, dormers/gables/hipped and flat roofs. Facing materials include brick, render and tiled roofs.

The appraisal confirms that the character of the area is strong with clear building lines, similar plot facing and generally consistent plot sizes. The frontage treatment is less consistent.

8.5 Guidance within the character appraisal is as follows:

- Maintain separation distances between existing dwellings and the building line
- Retain the grass verges on the side road frontage
- Retain tree cover within plots
- Avoid further vehicular access points through frontage
- Soften low fences and walls with appropriate hedge planting.

8.6 The information above, gathered from the RASC appraisal is included within the SPD document which confirms that development within RASCs should not be restricted but should *'retain and preserve the distinct architectural and landscape character of these areas.'*

8.7 Proposed extension

The proposed extension would be to the rear of the existing property. Due to the set back of the dwelling from the road and the surrounding, vegetative boundaries, the extension would not be visible from any public vantage point. The extension is sited so that separation distances between it and surrounding buildings are retained. Tree cover within the site would be retained (see para. Below). As a result of the above, whilst the proposals would result in an additional storey being provided, as the appearance of a 2 storey dwelling would be retained from public vantage points, it is not considered that the proposed extension would result in any adverse impacts on either the character or appearance of the surrounding area or RASC.

8.8 Proposed front gates

In relation to the front gates, the area immediately surrounding the site is characterised by vegetative, front boundaries which contribute significantly to the verdant character of this part of Chilworth. The plans submitted with the application show that the walls/gates in this instance would only form part of the front boundary where there has historically been a vehicular entrance. The rest of the circa 18 metres front boundary would be retained as existing i.e. low boundary wall with vegetation behind. As a result of this, considering that the gates are set back from the road and as there are examples of similar gates within the vicinity of the site, it is not considered that this element of the proposals would result in any adverse impacts on the character and appearance of the surrounding area. In terms of impact on the RASC, the proposed gates would retain the grass verges, and, as they would be formed on an existing vehicular access point, would not result in the loss of existing frontage vegetation. The proposed gates are not therefore considered to adversely affect the RASC.

8.9 Summary

As a result of the above, it is not considered that the proposals would result in any adverse harm on the character and appearance of the surrounding area or on the character of the RASC. The proposals are therefore considered to comply with policies E1, E2 and E4 of the Test Valley Borough Revised Local Plan 2016.

8.10 **Impact on neighbour amenity**

The roof of the proposed extension, due to the change in levels on the site would be useable, terrace space to the rear of the dwelling. To prevent overlooking into neighbouring properties, the submitted plans show the provision of an obscure privacy screen to the north elevation which would prevent any adverse overlooking to the neighbour to the north. To the south, a low level baulestrade is proposed, however, due to the separation distance between the proposed extension and the boundary to the south (approx. 15 metres) and as the tall vegetation on the boundary would provide screening.

It is not considered that the proposals would result in any adverse impacts on the occupiers of the neighbouring dwelling to the south. Subject to the retention of the obscure privacy screen on the northern boundary, it is not considered that the proposals would result in any adverse impacts on neighbour amenities. The proposals are therefore considered to comply with policy LHW4 of the Test Valley Borough Local Plan 2016.

**8.11 Highways**

The proposed gates/walls would be constructed over an existing vehicular access point and would be set back approximately 5.8 metres back from the carriageway edge. Adequate visibility onto Hadrian Way would be retained and appropriate on-site parking provided. As a result, it is considered that the proposals would comply with policies T1 and T2 of the Test Valley Borough Revised Local Plan 2016.

**8.12 Trees**

Trees within the vicinity of the site are considered to be important features that significantly contribute to the character and appearance of the surrounding area. This is reflected in the RASC character appraisal recently undertaken by the Council. Trees both within and adjacent to the site are the subject of a Tree Preservation Order (TPO).

8.13 The applicant has submitted information in support of the proposals which seeks to demonstrate that the development undertaken on the site to date has not resulted in damage to surrounding trees. Notwithstanding this, the Council's Tree officer does not consider that the information provided demonstrates that this is the case, and is concerned that damage may have been done by the works that affect the long term retention of some of the trees. The officer has sought to ensure that if that is the case that suitable replacement is secured such that the effect on the character and appearance of the area is achieved and has suggested a condition that puts in place a regular monitoring of the trees (for a period of 5 years post-decision) should be undertaken to ensure their health and longevity, and providing a means of mitigation where necessary.

8.14 As a result of the above, subject to conditions, it is not considered that the proposals would result in harm to character and appearance of this residential area, given suitable replacements will be secured in the event that there is loss. The application is therefore considered to accord with policy E2 of the Test Valley Borough Revised Local Plan 2016.

**8.15 Ecology**

The site is adjacent to a Site of Importance for Nature Conservation (SINC). The applicant has submitted additional information after initial queries in relation to the change in levels on the site from the Council's ecologist and their potential impacts on the SINC, particularly in relation to the volume of water draining from the site into the SINC. The additional information confirms that there has been no change to the volume of water draining from the site into the SINC. As a result and subject to an appropriately worded condition requiring the submission of a method statement for the removal of non-native species,

the planting of native species and a suitable ongoing management plan, it is not considered that the proposals would result in any adverse impacts on ecology. The proposals are therefore considered to accord with policy E5 of the Test Valley Borough Revised Local Plan 2016.

#### 8.16 **Other matters**

Third party comments relating to the overflowing soakaway system and potential damage to foundations of 32 Hadrian Way are noted. These are however matters which fall outside of the scope of planning control and are either matters for Building Control legislation though correct inspections and/or civil matters between parties. As such these are not material considerations in the determination of this application and are afforded no weight in the determination of the application.

#### 9.0 **CONCLUSION**

9.1 The proposed development is considered acceptable in principle and, subject to conditions would not result in any adverse impacts on the character and appearance of the surrounding area or RASC, on neighbour amenities, highways, trees or ecology. The proposals are therefore considered to comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016.

#### 10.0 **RECOMMENDATION**

##### **PERMISSION subject to:**

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0213-02-105 A, 0213-02-101, 0213-02-102, 0213-02-103, 0213-02-104, 0213-02-106, 0213-02-107, 0213-02-108, 0213-02-109, 0213-02-105C**

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

2. **Prior to first use of the development hereby permitted, additional ecological information shall be submitted to, and approved in writing by the Local Planning Authority. The information shall include a method statement for the removal of non-native species, the planting of native species within the proposed site plan, and a management plan for setting out the delivery timescale of new landscaping and for maintenance thereof for a minimum period of five years. Any landscaping shall be maintained in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

**Reason: To ensure the favourable conservation status of the SINC in accordance with Policies E2 and E5 of the Test Valley Revised Local Plan 2016.**

3. **Arboricultural reports including tree core analysis shall be submitted on an annual basis to the LPA, beginning from one year from the date of this planning permission. The reports shall be submitted each year for a period of five years. Each year the report shall assess the health, vigour and likelihood of the tree remaining for the following 12 months of the large Scots pine within the garden of 34 Hadrian Way, the pines that are located within the SINC within 10 metres of the rear boundary of the site, and the Yew tree in the neighbour's property (ref. 02855). A final report shall be submitted and approved in writing by the LPA at the end of the five year period.**

**Reason: To ensure the favourable conservation status of the SINC, and to ensure any indirect loss of trees arising from the proposal are mitigated for to protect the character and appearance of the RASC designation, in accordance with Policies E2 and E5 of the Test Valley Revised Local Plan 2016.**

4. **Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years from the date of the decision notice, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting. The replacement trees shall be agreed with the Forestry Commission.**

**Reason: To ensure the favourable conservation status of the SINC in accordance with Policies E2 and E5 of the Test Valley Revised Local Plan 2016.**

5. **The opaque glass privacy screen as shown on plan number 0213-02-107 of the development hereby permitted shall be installed and fitted with obscured glazing prior to the first use of the extension, and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4**

**Note to applicant:**

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