
APPLICATION NO.	21/02116/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	14.07.2021
APPLICANT	Mr and Mrs A Burley
SITE	Newtown House, 20 Newtown Close, Andover SP10 3AU, ANDOVER TOWN (MILLWAY)
PROPOSAL	Erection of summerhouse in rear garden and carport in front garden
AMENDMENTS	Additional Information re Foundations received 9 th September 2021, Amended plans and Reports received the 14 th September 2021.
CASE OFFICER	Mrs Samantha Owen

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to the Northern Area Planning Committee in accordance with the Officers and Members Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Newtown House is a two storey detached property located at the end of a cul-de-sac, due to the position within the plot of the dwelling, glimpsed views are possible from Newtown Close. The whole site is covered by an Area TPO from 1973. The boundary of the property is a 2m close boarded fence to the north, east and west. A laurel hedge has been planted along part of the eastern boundary. The boundary with the neighbouring property, number 19, which is located opposite number 20 is a post and rail fence and hedge. The property has an integral garage and off road parking. The front garden is dominated by a mature sycamore tree located in the garden of number 19.

3.0 PROPOSAL

- 3.1 Erection of flat roof timber summerhouse in the north western corner of the rear garden and timber carport in the south eastern corner of the front garden.
- 3.2 The summerhouse would measure 4.7 metres wide by 3.2 metres deep by 2.3 metres high and be constructed of plank fibre cement boarding.
- 3.3 The proposed carport would be open fronted with a catslide roof. It would measure 5.5 metres wide by 5.6 metres deep by 4.1 metres to ridge and be constructed of oak with a slate roof.

4.0 HISTORY

- 4.1 21/02161/VARN - Application to vary condition 9, 11 and remove condition 5 of approved application 18/00375/FULLN (Erection of dwelling and double garage) to allow changes to approved landscape plans/drawings and reinstate permitted development rights – Under consideration.

4.2 18/00375/NMA1 - Changes to rear garden, wall and steps - Amendment to planning permission 18/00375/FULLN – Approval 05.06.2018.

4.3 18/00375/FULLN - Erection of dwelling and double garage –Approval 15.11.2018.

5.0 CONSULTATIONS

5.1 Trees: Condition requiring Arboricultural Method Statement

Initial Comments dated 10th September 2021

The submitted documentation includes a commentary within its accompanying planning statement concerning whether or not trees that had been present on the site prior to construction of the new dwelling, were or were not protected by a TPO. Consent 18/00375/FULLN was granted on the basis of acceptability of the whole project as presented within the planning submission. The site supported considerable tree and shrub cover prior to determination of the application. It was appropriate to ensure an appropriate balance of replanting as part of the overall development. The submitted proposals included some tree felling which was balanced by tree and hedge planting promised by the applicant in their landscape plans. This then was the scheme assessed and determined to be acceptable.

I have found nothing in this variation proposal that gives reason or justification that would lead to a change of opinion for that expressed at the time of the original application, or to my being able to give support to a reduction in the overall level of tree or hedge planting.

The revised documents, as just commented upon, do not supply any new information that would lead me to revise my conclusions from those given in my recent consultation response:

- A. I can find no justification for the reduction in proposed landscape planting from that which the applicant signed up to by submission of the original landscape scheme. Therefore am unable to support the variation proposal. (This comment relates to the planning application 21/02161/VARN under consideration within this Agenda).
- B. Subject to verification of the discrepancies in the documents as above, the proposed summer house and proposed car port could be executed without resulting in significant harm to trees identified for retention on or adjacent to the site. This is subject to the need for appropriate working practices and appropriate tree protection during execution of the project, which can be secured through condition as previously drafted. Note that my observations with regard to reduction of proposed planting in comparison to the approved scheme remain.

5.2 **Highways:** No objection

6.0 **REPRESENTATIONS** Expired 10.08.2021

6.1 **Andover Town Council:** No objection

6.2 1 x letter of representation from 19 Newtown Close

- No objection in principle to Car port
- Planning Statement refers to Car port being approximately 1m from the boundary with number 19 this needs to be accurate.
- No details regarding drainage from the Car port
- Condition should be attached that restricts the Car port to the parking of cars only as storage could be unsightly
- Condition should be attached that requires consultation with owners of the sycamore tree within number 19's garden as to which branches are removed

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

LHW4 – Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of Development
- Impact on Protected Trees
- Impact on Amenity
- Other Matters

8.2 **Principle of Development**

The site is located within the settlement boundary of Andover and as such the principle of development and redevelopment is considered acceptable provided it accords with other policies within the plan.

8.3 **Impact on Protected Trees**

The dwelling is located within an Area TPO. 20 Newtown Close has no mature trees within its curtilage apart from a modest purple plum in the front garden along the boundary with number 18 which the Tree Officer has confirmed is dying.

8.4 The trees that are to be protected from the proposed development are all outside of the plot and within the grounds of neighbouring properties. Consideration therefore needs to be given to the impact of the proposed summerhouse and car port on the offsite protected trees. The protected trees to the rear of the site are located in the garden of 49 Weyhill Road and would be within 10 metres of the northern boundary of number 20 Newtown Close, there is a mix of species. A mature sycamore is located to the front of the property in the garden of number 19 Newtown Close.

8.5 Summerhouse

This structure is to be located in the north-west corner of the rear garden and would be modest in size and scale. It would be constructed on swift plinth foundations which consists of a grid work block which sits on the ground and then backfilled with gravel. On top of this grid an interlocking concrete base and top stone are centred. The timber floor of the building is fixed by brackets into the top stone. The Tree Officer is satisfied that this structure can be constructed without significant harm to retained trees on or adjacent to the site but has requested a Condition for Tree Protection.

8.6 Car Port

The car port would be located in the south-eastern corner of the front garden under the crown spread of a mature Sycamore tree in the garden of Number 19. It is proposed that this would be a timber structure that would be constructed on pad foundations. The car port would have an open front with a catslide roof to the rear. The Tree Officer is satisfied that this structure can be constructed satisfactorily and without harm to the mature Sycamore. A Condition requiring an arboricultural method statement is required to ensure construction would be carried out to ensure the health and future retention of the mature Sycamore. A third party representation from number 19 Newtown Close requested a condition that consultation is carried out with them on the pruning of the tree to accommodate the car port. This is not a reasonable condition, in granting permission it is accepted that some tree work would occur to this tree. The Arboricultural Method Statement condition requires details of any tree surgery/pruning and this would be agreed by the Tree Officer.

8.7 The Tree Officer has noticed some discrepancies across the submitted plans and these will be discussed with the Agent and any amendments reported in the Update Paper.

8.8 **Impact on Amenity**

Policy LHW4 requires development to provide for the privacy of neighbouring residents and not give rise to reduced levels of sunlight and daylight to neighbouring properties.

8.9 Summerhouse

The summerhouse is located adjacent to the boundary with number 18 Newtown Close. Number 18 has an outbuilding along the boundary with number 20 directly adjacent to the proposed summerhouse. This outbuilding is lower in height than the boundary fence. The summerhouse would be located on higher ground and would be visible above the neighbouring fence. Notwithstanding this due to the distance from number 18 and the modest scale of the summerhouse it is not considered this would result in unacceptable reduction in light or outlook to number 18 nor impact upon the privacy of this dwelling in accordance with Policy LHW4 of the RLP.

8.10 Car Port

The proposed car port would be located to the front of number 20. The closest neighbouring property would be number 19. This dwelling is constructed at an angle with the principle elevation facing north-west. Views of the car port would be possible from number 19 from their dwelling but this would be at an oblique angle. It is not considered that the proposed car port would result in an unacceptable reduction in light to number 19 or impact upon the privacy of this dwelling in accordance with Policy LHW4 of the RLP.

8.11 Impact on character of area

Policy E1 requires development to integrate, respect and complement the area. An additional letter from the Agent dated the 14th September explained that the Applicant has a collection of cars and would want to store some of them at his property within the car port. Views of the car port from the wider area would be possible from Newtown Close cul-de-sac, from this location the car port would be some distance away and whilst seen in context with the wider area its presence and contents would be visible. The proposed car port would also be visible to users of the private way that serves a number of dwellings terminating at number 19 and 20 Newtown Close.

8.12 Representations have been received from the neighbouring property at number 19, they are concerned that the car port would be used for storage and due to its open nature would become unsightly and have requested a condition requiring doors on the structure. A car port by its very nature is an open structure and has not been designed to incorporate doors. The property already has an existing double garage which has room for storage without compromising the parking requirement for the dwelling and it is unlikely that the car port would be used for storage due to its unsecure nature, however its location does make it prominent and as such any storage within this structure is likely to have a detrimental impact on the character of the wider area and as such a condition requiring the car port to be used for the parking of cars only is not considered unreasonable.

9.0 CONCLUSION

9.1 It is considered that the proposed summerhouse and car port can be constructed without causing harm to the mature trees that are located adjacent to the site and are covered by an Area TPO or have an unacceptable impact on the amenity of neighbouring properties or the character of the area. The development would be in accordance with the relevant policies 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 except in complete accordance with the details shown on the submitted plans, numbers D410, D415A, D-001, D116, D101**
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **No development on the car port hereby approved shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically the method statement shall:**
 1. **Provide a schedule of trees to be retained within 15m of the proposed building, including revised driveways, parking areas, boundary or retaining walls and other associated structures, the schedule to include the required root protection areas, calculated in accordance with British Standard 5837:2012.**
 2. **Provide a specification for tree protective barriers and or ground protection, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.**
 3. **Confirm timing of erection and dismantling of such tree protective barriers and or ground protection, which must in any case be installed prior to commencement of any ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.**
 4. **Provide a plan at 1:200 or better, detailing the location of such tree protective barriers and or ground protection, including annotation that such tree protection shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.**
 5. **Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the areas protected by barriers or ground protection (the tree protection zone) as set out in compliance with the above paragraphs.**

6. Demonstrate by plan and section drawings that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones. Specifically provide sections to demonstrate how levels are to conform with the need for no excavation local to tree T8 and marry with the existing driveway.
7. Demonstrate that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.
8. Provide details of the car port construction, sufficient to demonstrate that foundation pads can be placed, will be fit for purpose and that it will be constructed without adverse impact to the retained tree T8 and that its design incorporates features to facilitate easy maintenance in relation to tree related debris.
9. Provide a schedule of all tree felling, tree surgery and tree planting proposed, including confirmation of phasing of such work.
10. All work shall be undertaken in accordance with the requirements, specifications and timing detailed within the approved method statement.

Reason: To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of the Test Valley Borough Revised Local Plan 2016.

4. No development on the summerhouse hereby approved shall take place until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. Specifically the method statement shall:
 1. Provide a schedule of trees to be retained within 15m of the proposed building, including revised driveways, parking areas, boundary or retaining walls and other associated structures, the schedule to include the required root protection areas, calculated in accordance with British Standard 5837:2012.
 2. Provide a specification for tree protective barriers and or ground protection, either in accordance with the above standard or as otherwise agreed in writing with the Local Planning Authority.
 3. Confirm timing of erection and dismantling of such tree protective barriers and or ground protection, which must in any case be installed prior to commencement of any ground works, and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.

4. Provide a plan at 1:200 or better, detailing the location of such tree protective barriers and or ground protection, including annotation that such tree protection shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
5. Provide a plan demonstrating that all trenching, excavation, soakaways, pipe and cable runs required by the development can be installed wholly outside the areas protected by barriers or ground protection (the tree protection zone) as set out in compliance with the above paragraphs.
6. Demonstrate by plan and section drawings that all proposed structures can be built without the construction process impacting upon the retained trees or required tree protection zones.
7. Demonstrate that all site works and if required associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.

Reason: To prevent the loss during development of trees and natural features and to ensure, so far as is practical, that development progresses in accordance with current Arboriculture best practice, in accordance with Policy E2 of Test Valley Borough Revised Local Plan 2016.

5. The car port shall be used for the parking/storage of cars only and for no other storage purposes.

Reason: To ensure the development integrate, respects and complements the character of the area in accordance with Policy E1 of the Test Valley Borough Revised local Plan 2016.

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. Various trees standing adjacent to this site are protected by virtue of Tree Preservation Order TPO.810. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.
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