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<b>APPLICATION NO.</b>	21/03093/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	21.10.2021
<b>APPLICANT</b>	Miss Wiltshire And Mr Mason
<b>SITE</b>	Little Beeches , Braishfield Road, Crookhill, SO51 0QB, <b>BRAISHFIELD</b>
<b>PROPOSAL AMENDMENTS</b>	Retention of rear outbuilding
<b>CASE OFFICER</b>	Miss Ash James

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, for the reason “because it raises issues of more than local public interest.”

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is a detached property, located along Braishfield Road, Crookhill, within the parish of Braishfield.

## 3.0 PROPOSAL

- 3.1 Retention of rear outbuilding

## 4.0 HISTORY

- 4.1 21/00231/FULLS - Erection of two storey side extension, replacement roof with alterations to create living accommodation in the roof, erection of two storey front extension and various alterations – Withdrawn 18.08.2021

*(Land to the rear)* 19/01620/FULLS - Erection of two detached dwellings with detached garages – Refused 16.06.2021

## 5.0 CONSULTATIONS

### 5.1 Building Control: Comment

- The detached outbuilding would require Building Regulation Consent, and is not exempt.
- Amongst other things the Building Regulations require the external walls next to the boundaries to be fire resisting, the cladding to be treated for resistance (to limit the rate of external fire spread) and set out standards on the performance of the roof covering, again to reduce fire spread risk because of the proximity of the building to the adjacent boundaries.

6.0 **REPRESENTATIONS** Expired 16.11.2021

**Braishfield Parish Council:** No objection.

- Applicant has used locally sourced timber and horizontal cladding in line with Village Design Statement

**The Cottage, Braishfield Road:** Objection

- 10cm away from boundary, and 1m away from bedroom
- Over size (permitted development size)
- Wood and plastic materials, could pose fire risk next to wooden fence and oil tank
- Concrete base is causing water runoff problems
- Guttering is at rear adjacent boundary and has no soakaway
- Use is not a garden shed but entertainment, could be used as a change of use to accommodation
- Application for two dwellings to the land at the rear (19/01620/FULLS) area was shown as a garage
- Application for householder alterations and extensions (21/00231/FULLS) area was shown as car parking
- Enforcement notice was issued but development continued
- Inaccuracies on application form, development was completed on 18.10.2021, is visible from John Bevan Way and the highway, and building is more to the west than shown
- Shed was viewed when attending a Viewing Panel meeting for the application to the land at the rear
- Committee meeting on the 8<sup>th</sup> June in relation to 19/01620/FULLS, agent stated the shed was a material store and would be removed when it was no longer needed

**Kendal, Braishfield Road:** Objection

- Size and height relative to boundary
- Concerned the building is not sound proofed, and the impact on the neighbouring properties master bedroom, the Braishfield VDS states “any new development should take into account the rural nature of the surroundings, particularly in respect of noise...”
- A garage was refused in the same location (19/01620/FULLS) was considered at committee to be detrimental to the neighbours, the agent Tailor stated was a store room for the purposes of the development
- Combustible materials, close to a combustible fence and neighbouring house, and oil tank in close proximity
- Should retain planning application rules (permitted development sizes)
- Similar situation elsewhere in Braishfield

**Sringwood, Braishfield Road:** Objection

- Building is within permitted development sizes but not in this location.
- Third retrospective application in the area
- Should be positioned elsewhere
- Planning permission has been refused for the land to the rear and any other buildings other than permitted development should also be refused.

### **Oakdene, Braishfield Road: Objection**

- Confused regarding ownership of land
- This outbuilding was to be demolished as part of rejected planning permission 19/01620/FULLS as was for temporary storage for the building materials
- Please confirm land ownership on this building and explain why Tailsman Homes were allowed to mis-represent its use in committee
- 19/01620/FULLS was refused because of public view of the back land development and impact on the character and appearance of the area and layout
- Similar application elsewhere in Crookhill
- Will affect The Cottage, Crookhill due to proximity to the property boundary and the main bedroom
- No description as to what the building is for but is not temporary materials store as stated in application 19/01620/FULLS

### **Boares Garden, Braishfield Road: Objection**

- Unlawful retrospective planning application
- Building was erected to avoid the formal planning application process and the impact on The Cottage was not taken into account
- No evidence on Tailsman application 19/01620/FULLS so assume this is a new build for this retrospective planning application
- Development started in May and continued despite an enforcement order being issued, no respect for TVBC or neighbours
- Impacts on the neighbour it is 10cm from wooden fence and 1.1m from master bedroom, possible fire risk too close to wooden fence and oil tank
- Usage could represent 1 bedroom apartment turned into accommodation, use should be stated
- Design is ugly and materials do not integrate
- Problems with water run off
- Detracts from street scene
- Clarification of ownership
- 3rd retrospective planning application within Braishfield within 3 months
- Site notice not dated and incorrect wording

## **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)**

Policy SD1 – Presumption in Favour of Sustainable Development

Policy COM2 – Settlement Hierarchy

Policy E1- High Quality Development in the Borough

Policy E5 - Biodiversity

Policy LHW4 – Amenity

Policy T2 – Parking Standards

7.3 Supplementary Planning Documents (SPD)  
Braishfield Village Design Statement

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 ecology
- Impact on parking provision
- Other matters

8.2 **Principle of development**

The sites lies within the settlement boundary 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**

Though the application is located to the rear of the property, due to low boundary hedging to the front and some gaps in the vegetation at the front of the property, the development is located in a position such that some public views would be possible. However, there are several other examples of outbuildings within the immediate street scene which are more visually intrusive, prominent or closer to the principal elevations, the proposed development is set back to the rear of the plot, and is of an acceptable design. The proposal also uses materials to match the existing dwelling and timber cladding to integrate and compliment the character and appearance of the area. Any glimpsed views of the proposal would be seen in the context of the existing dwelling and in this respect the proposal would not adversely affect the character and appearance of the area, in compliance with Policies COM2 and E1 of the TVBRLP.

8.4 **Impact on amenity of neighbouring property**

The development is approximately 2.72m high, 6.9m wide, and 3.4m deep. Third party comments were received in relation to the size of the proposal and the proximity to the neighbouring property. The outbuilding is approximately 22cm higher than the size limitations permissible if the works were undertaken using the rights contained within the General Permitted Development Order. Giving consideration to the modest height, size and scale and nature of the outbuilding, the proposal would not give rise to a significant adverse impact on the living conditions of neighbouring property by virtue of loss of daylight, sun light, or privacy. The proposal is in accordance with Policy LHW4 of the TVBRLP.

8.5 Part of a 3 bay garage (approximately 4.5m high, 9.9m in length, and 6.6m in depth) was proposed to be roughly in this location under a separate application, which was refused at a previous planning committee due to the impact on neighbours. However, it is considered that the development under consideration in this application is materially different to the development previously refused by Committee. The measurements of the proposal currently under consideration and the size of the garage that formed part of the previously refused planning application are set out below:

	Proposal	Refused Application (19/01620/FULLS)
Height to Ridge	2.72m	4.5m
Length Along Boundary	3.4m	9.9m
Width	6.9	6.6

8.6 Furthermore, the proposal is for an outbuilding used incidental to the use of existing dwelling, whereas the garage for application 19/01620/FULLS was to park motor vehicles for three dwellings. Therefore it is considered that these applications are in no way comparable and a refusal based on a decision made on a separate and distinctly different planning application should be afforded limited weight.

8.7 For the reasons set out above it is considered that the proposal would not be detrimental to the neighbour's amenity. By virtue of the size (bulk and mass) and design of the proposal, it's juxtaposition relative to neighbouring property, and the nature of the intervening boundary treatment, the proposal would not give rise to any significant adverse impact on the living conditions of neighbouring properties by virtue of loss of daylight, sun light, or privacy. The proposal is in accordance with Policy LHW4 of the TVBRLP.

**8.8 Impact on ecology**

The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, in accordance with Policy E5 of the TVBRLP.

**8.9 Impact on parking provision**

The proposal does not give rise to an additional demand for car parking or result in the loss of existing car parking spaces to serve the dwelling, in accordance with the parking standards as set out in Annex G and Policy T2 of the TVBRLP.

**8.10 Other Matters**

Third party comments in relation to the potential fire risk would be dealt with under building regulations, and as such is not for consideration for this application. The applicant has been made aware of the requirement to comply with building regulations.

8.11 Third party comments in relation to the use of the building are noted, the proposed floor plans indicate that the outbuilding is to be used as garden storage and ancillary garden room. There is no indication that the development is to be used as independent residential accommodation. Any such use would require a separate grant of planning permission

- 8.12 Third party comments in relation to a previous application to the rear of the application site, 19/01620/FULLS, are noted. The application is separate from application 19/01620/FULLS and was originally submitted two years prior to this application and refers to the land to the rear of this application site. The land ownership stated on this application is that the applicant owns all the land outlined in red associated with this application. Third party comments in relation to a previous agent for a different application on the land to the rear stating that the outbuilding would be used as a materials store and would be demolished after use are noted. However this application seeks to regularise the erection of this building by the current applicants as a garden shed and outbuilding and must be considered as such and on its planning merits.
- 8.13 Third party comments make reference to an enforcement notice being served. As a matter of fact no such notice has been served. An enforcement notice is only issued where the Council finds it expedient to do so, in this instance it was not considered expedient as a retrospective planning application was submitted to regularise the works that have been undertaken. The Town and Country Planning Act and Planning law are quite clear that applications can be submitted after the works have been completed and such applications should be considered in the same way as if the development had not been undertaken.
- 8.14 Third party comments in relation to other unauthorised works are not relevant in the determination of this application. Each application must be considered on its own merits and against the relevant policies of the Local Plan and the national guidance. Any concerns about unlawful development within Test Valley should be report to the Council's Planning Enforcement Team.

## 9.0 CONCLUSION

- 9.1 For the reasons set out above the proposal is considered acceptable and in accordance with the policies of the TVBRLP.

## 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; 20073-PL-009 Rev A**  
**Reason: For the avoidance of doubt and in the interests of proper planning.**
2. **The building the subject of this permission shall be used only for purposes incidental to the enjoyment of the dwelling house.**  
**Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies COM2 and COM11.**

**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.**