
APPLICATION NO.	22/01516/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	09.06.2022
APPLICANT	Mr B Potheary
SITE	Land adjacent to Brambles, Walworth Road, ANDOVER TOWN (DOWNLANDS)
PROPOSAL	Erection of dwelling; with associated parking, turning, landscaping, private amenity space and access arrangements
AMENDMENTS	Amended plans and information received; <ul style="list-style-type: none">• 05.01.2023
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within the settlement of Picket Piece, Andover. The site lies in between two existing dwellings, and is currently vacant and undeveloped. The site contains an existing mature oak tree.

3.0 PROPOSAL

3.1 The proposal seeks full planning permission for the erection of a detached single storey dwelling with associated parking, turning, landscaping, private amenity space and access arrangements.

3.2 Amended plans and information have been submitted during the consideration of the application, as follows;

- Proposed dwelling amended to a single storey as opposed to a chalet bungalow as originally proposed, and number of bedrooms reduced from three to two;
- Proposed dwelling set back further within the plot;
- Location of proposed replacement trees amended;
- Updated tree assessment.

4.0 HISTORY

4.1 22/00156/FULLN; Erection of dwelling with associated parking, turning, landscaping, private amenity space and access arrangements – Withdrawn - 15.03.2022

4.2 21/01146/DDTPO; To fell two dangerous ash trees which are infected with Ash Dieback. They are situated on land adjacent to the property, close to houses, a footpath and the Walworth Road. (TPO.TVBC.170) – Fell Dangerous TPO Tree – 23.04.2021

5.0 CONSULTATIONS

5.1 **Trees**; Objection (summarised);

- The proposed house, driveway, parking area, turning areas and associated works, by virtue of their location and alignment threaten the retention of an important mature tree protected by a Tree Preservation Order; and prevent the replacement planting of two felled TPO'd. Contrary with Test Valley Borough Revised Local Plan policy E2.

5.2 **Ecology**; Objection (summarised);

- Concern raised regarding the longevity of TPO trees and replacement planting on site, and the ecological impacts as a result (loss in on-site habitats and biodiversity).

5.3 **Highways**; No objection

6.0 **REPRESENTATIONS** Expired 02.03.2023

6.1 **Andover Town Council**; Objection;

- Alteration from the original application not clear;
- No details provided of replacement trees being planted, as per Tree Officer's report;
- No nitrate neutrality assessment within the plans.

6.2 **2 x letters**; Objections from Brambles and Jadeem (both Walworth Road, Picket Piece) summarised as follows;

- Design;
- Noise;
- Over Development;
- Overlooking;
- Character of Area;
- Previous Planning Decisions;
- The building would be out of line of the current properties and would sit further back than the existing houses. This would be unsightly and out of character with the existing houses;
- This planning application seeks to build out of line with existing properties, which will cause overlooking;
- Previous application was withdrawn, and then this application submitted to once again ask for permission for that previously not granted. This is dishonest behaviour and not exactly endearing to future neighbours.

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

COM6 - New Neighbourhood at Picket Piece, Andover

E1 - High Quality Development in the Borough

E2 - Protect, Conserve and Enhance the Landscape Character of the Borough

E5 - Biodiversity

E7 - Water Management

E8 - Pollution

T1 - Managing Movement

T2 - Parking Standards

LHW4 – Amenity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Character and appearance
- Amenity
- Highways
- Biodiversity
- Water management

8.2 **Principle of development**

The principle of the proposed development is acceptable by virtue of the position of the site within the Andover settlement boundary and the allocated new neighbourhood at Picket Piece, as defined by policies COM2 and COM6 of the RLP and the associated inset maps.

8.3 **Character and appearance**

This part of Walworth Road is generally characterised by detached dwellings set within relatively spacious plots, including wide site frontages onto Walworth Road, with the dwellings set back from the road. The proposed dwelling would be in keeping with the street scene and surrounding area in terms of its appearance, scale and materials, being of a simple form including a gabled roof. However, the position of the proposed dwelling, set back towards the rear of the site behind the adjacent existing dwellings, and within an uncharacteristically narrow plot and in particular at its frontage onto Walworth Road, would be at odds with the established building line/pattern of development at this part of Walworth Road. For comparison, the frontage of the site would measure approximately 6m in width, whereas the frontages of the existing plots either side of the application site measure between approximately 16m and 17m in width. The existing dwellings generally also have space around them within their plots, which cannot be said for the application proposal. Whilst back land development is found to the rear of dwellings fronting Walworth Road elsewhere, predominantly as a result of the allocated new neighbourhood at Picket Piece, there is generally a clear distinction between the back land development and the Walworth Road dwellings, for example through the provision of separation space or landscape features. This would not be apparent with this proposal. Overall it is considered that the proposed development would have a cramped appearance when viewed in the street scene with the existing dwellings.

- 8.4 The site contains an existing oak tree towards the frontage, which is subject of a tree preservation order (TPO), and which is considered to be an important landscape feature in the street scene and the surrounding area. The proposed development would have a cramped association with the existing Oak tree, with the proposed driveway, vehicle manoeuvring and parking areas, and the dwelling itself encircling the tree, with new hard surfacing being within the root protection area of the tree on three sides. It is considered that the proposed development would put future pressure on the existing Oak tree to be pruned further, or felled due to proximity and debris, and would reduce the useful life expectancy of the tree.
- 8.5 Two ash trees that were sited adjacent to the existing oak tree, which were also subject of the TPO, have recently been removed from the site due to ash dieback and being deemed as dangerous (see paragraph 4.2 of this report). These trees were also considered to be important landscape features. Tree Preservation legislation places a duty upon landowners to plant replacement trees for those removed. Therefore the applicant is required to plant another two trees which should be planted as close as reasonably practicable to the stumps of the two trees that have been removed. Two new trees are shown on the submitted site plan to be planted at the site – one to the front of the site, and one to the rear, behind the proposed dwelling. The proposed replacement tree to the rear of the site would not have the same visual prominence as the trees that have been felled. Furthermore, the proposed replacement tree to the front of the site would be restrained by surrounding hardstanding, including the existing adjacent footway/highway, and the proposed access/driveway, and it is considered that this would impede the successful growth of this proposed tree, such that it also would be unlikely to have the same visual prominence as the trees that have been felled. Overall, it is considered that the proposed replacement trees would not make the same important contribution to the character of the area as those that were felled.
- 8.6 In conclusion, it is considered that the layout of the proposed development would result in a form of development that would not be of a high quality in terms of design and local distinctiveness, and would not integrate, respect or complement the character of the area, or improve the character, function and quality of the area. Furthermore, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features is not likely to be prejudiced, or that the proposed landscaping and landscape features, to replace the protected trees that have been removed from the site, could be successfully accommodated within the site to enable the proposed development to positively integrate into the landscape character of the area. The proposed development is therefore contrary to RLP policies E1 and E2.
- 8.7 **Amenity**
The main neighbouring properties to consider are the adjacent Ashtree House to the north east, and the adjacent Brambles to the south west. These are both two storey detached dwellings with associated outdoor amenity areas,

enclosed to the rear by close board fencing. It is considered that the single storey nature of the proposed dwelling, with its roof sloping away from these neighbouring properties and their outdoor amenity areas, as well as the proposed separation distances between windows, and the intervening boundary treatments, would mean that the residential amenity of these neighbouring properties would not be adversely affected by the proposed development in terms of a loss of privacy, daylight or sunlight. Overall it is considered that the proposal would provide for the privacy and amenity of its occupants and those of neighbouring properties, and would comply with RLP policy LHW4.

8.8 **Highways**

The proposed internal site layout is considered to be adequate with sufficient space for the safe and efficient manoeuvring of vehicles. The proposed on site car parking provision of two spaces is also in accordance with the Council's adopted parking standards for a two bedroom dwelling, in accordance with RLP policy T2.

8.9 A new vehicular access is proposed onto Walworth Road to serve the proposed development. However, no plans have been submitted to demonstrate that appropriate visibility splays could be provided at the proposed access (within land under the control of either the applicant or the Highway Authority) to ensure that it would provide safe access onto the highway network, taking into account all users, including pedestrians using the adjacent footway. The proposal therefore fails to comply with RLP policy T1.

8.10 **Biodiversity**

The application is supported by an ecological survey, which proposes mitigation measures to ensure that biodiversity is protected and enhanced at the site, and these measures could be secured by condition in the event that planning permission were to be granted. However, as already discussed within this report, the proposed dwelling would be within close proximity of the existing Oak tree on site, and the development overall (with the associated hardstanding etc) would result in limited opportunities for the successful establishment of the required replacement planting of the previously removed trees. The proposal would therefore have implications for the longevity of the existing tree and the proposed replacement planting, and the ecological impacts of this, for example through the loss in on-site habitats and biodiversity, have not been considered. It has not been demonstrated that the proposed development would conserve and enhance biodiversity, and would not be in compliance with RLP policy E5.

8.11 *Nutrient neutrality*

The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. The Solent water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations, as well as national protection for many parts of the coastline and the sea.

An Advice Note produced by Natural England (updated in March 2022) advises that there are high levels of nitrogen and phosphorus input into this water environment with sound evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs are currently caused mostly by wastewater from existing housing and agricultural sources. The resulting dense mats of green algae are impacting on the Solent's protected habitats and bird species.

- 8.12 There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities in conjunction with Natural England, Environment Agency and water companies. Until this work is complete, the uncertainty remains and the potential for future housing development across the Solent region to exacerbate these impacts create a risk to their potential future conservation status.
- 8.13 As such, it is Natural England's view that there is a likely significant effect on the internationally designated sites in the Solent due to the increase in waste water from new development providing overnight accommodation. Natural England has advised that one way to address this issue is for new developments to achieve nutrient neutrality to ensure that new development does not add to existing nutrient burdens and that the scheme can be delivered in line with the Conservation of Habitats and Species Regulations 2017 (as amended).
- 8.14 This application is accompanied by a Nitrogen Budget Calculation, demonstrating that the proposed development would result in an increase of nitrates at the site. This would therefore need to be offset. The application submission sets out that "offsite mitigation will be provided via a S106 agreement". No details of what the offsite mitigation would consist of have been provided, and no legal agreement has been completed to secure any such mitigation. As such, it cannot be concluded that the proposal will not result in a likely significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations. As such, the proposal fails to comply with Policy E5 of the RLP.
- 8.15 **Water management**
Policy E7 of the RLP also requires new homes to achieve a water consumption standard of no more than 110 litres per person per day in order to secure increased water efficiency. A condition to this effect could be recommended in the event that planning permission was being granted.
- 9.0 **CONCLUSION**
- 9.1 The layout of the proposed development would result in a form of development that would not be of a high quality in terms of design and local distinctiveness, and would not integrate, respect or complement the character of the area, or improve the character, function and quality of the area. Furthermore, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features is not likely to be

prejudiced, or that the proposed landscaping and landscape features, to replace the protected trees that have been removed from the site, could be successfully accommodated within the site to enable the proposed development to positively integrate into the landscape character of the area.

9.2 In addition, it has not been demonstrated that the proposed vehicular access would facilitate safe access from the site onto Walworth Road such that the function and safety of the highway network for all users would not be adversely impacted. Furthermore, the proposed development has not been designed or located to ensure that the health and future retention of existing and proposed important landscape features would not be prejudiced, and this would have implications for the conservation and enhancement of biodiversity at the site through the potential loss of habitats. It has also not been demonstrated that the proposal can achieve nutrient neutrality. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations and as advised within guidance from Natural England.

9.3 Although the proposed development would have an acceptable impact on the residential amenity of neighbouring properties and of the proposed dwelling itself, this would be outweighed by the harm that has been identified in respect of the other material planning considerations. The proposed development would be contrary to policies E1, E2, E5, E8 and T1 of the Test Valley Borough Revised Local Plan 2016.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

- 1. The layout of the proposed development would result in a form of development that would not be of a high quality in terms of design and local distinctiveness, and would not integrate, respect or complement the character of the area, or improve the character, function and quality of the area. Furthermore, the proposed development has not been designed or located to ensure that the health and future retention of important landscape features is not likely to be prejudiced, or that the proposed landscaping and landscape features, to replace the protected trees that have been removed from the site, could be successfully accommodated within the site to enable the proposed development to positively integrate into the landscape character of the area. The proposed development is contrary to policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).**
- 2. It has not been demonstrated that appropriate visibility splays would be provided at the proposed vehicular access in order to facilitate safe access from the site onto Walworth Road, such that the function and safety of the highway network for all users would not be adversely impacted. As such, the proposal fails to comply with Policy T1 of the Test Valley Borough Revised Local Plan (2016).**

3. **The proposed development has not be designed or located to ensure that the health and future retention of existing and proposed important landscape features would not be prejudiced, and this would have implications for the conservation and enhancement of biodiversity at the site through the potential loss of habitats. As such, the proposal fails to comply with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**
4. **It has not been demonstrated that the proposal can achieve nutrient neutrality. As such, it cannot be concluded that the proposal will not result in a likely harmful significant effect on the internationally designated nature conservation sites in the Solent, in accordance with the requirements of the Conservation of Habitats and Species Regulations and as advised within guidance from Natural England. As such, the proposal fails to comply with Policy E5 and E8 of the Test Valley Borough Revised Local Plan (2016).**

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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