
APPLICATION NO.	24/01362/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	12.06.2024
APPLICANT	Mr A Burley
SITE	2 Newtown Close, Andover, Hampshire, SP10 3AU, ANDOVER TOWN (MILLWAY)
PROPOSAL	Demolition of side extension and porch, alterations to fenestration and construction of self-build dwelling
AMENDMENTS	
CASE OFFICER	Ash James

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee at the request of a member because it raises issues of more than local public interest

2.0 SITE LOCATION AND DESCRIPTION

2.1 Newtown Close is a cul-de-sac located off Plantation Road. Properties within Newtown Close are comprised of mainly semi-detached two storey properties, with detached bungalows at the end of the cul-de-sac. The site has a slight slope down from the north to the south, and is located to the south of a pair of semi-detached dwellings and to the rear of a bungalow.

3.0 PROPOSAL

3.1 The proposal is for the demolition of a single storey side extension, outbuildings, and porch, and erection of two storey dwelling with 2 parking spaces.

4.0 HISTORY

4.1 **24/00305/FULLN** – Demolition of extension and porch and erection of dwelling – **REFUSED 04.04.2024**

4.2 **24/01363/FULLN** – Demolition of side extension and porch, alterations to fenestration and construction of self-build dwelling – **PENDING CONSIDERATION**

5.0 CONSULTATIONS

5.1 **Ecology:** No Objection

5.2 **Highways:** No objection

6.0 **REPRESENTATIONS** Expired 05.07.2024

6.1 **Andover Town Council:** No response received

6.2 **4 x letters of objection received from; 11 and 14 Plantation Road, Andover, 42 St Hubert Road, Andover (on behalf of 12 Plantation Road), and 4 Newtown Close (summarised):**

- Proximity to boundary, proposed length and height difference would be dominating and overbearing to neighbouring properties
- Existing parking issues along Newtown Road, additional cars will increase pressure
- Overlooking to multiple properties, due to changes in land levels and location of proposed windows
- Proposals do not mitigate the core reasons as to why the previous application was refused – only changes to fenestration and changes to the existing property
- Detached house within a semi-detached area
- Overall mass is significant, due to land level changes, to properties 11, 12, 14, and 14a – previous refusal reason
- Omitted previously proposed single storey rear extension to provide a 6m gap to number 12 Plantation Road, only 2.8m different to refused proposal
- Previous concerns on original application relating to overdevelopment, parking, overlooking, loss of light, shading still relevant
- Unnecessary overdevelopment
- Emergency vehicles and refuse vehicles already cannot use the road due to on street parking
- Do not believe that the property would meet self build requirements and is to be built for profit, therefore would not be exempt from BNG requirements
- Parking would not allow the house to be accessible or would cause parking on the pavement
- Loss of light due to increase in height
- Proposed large trees could cause problems to the services and adjoining garage in future years
- Parking during building works would be problematic

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

Policy E1- High Quality Development in the Borough

Policy E5 – Biodiversity

Policy E8 – Pollution

Policy LHW4 – Amenity

Policy T1 – Highway Safety

Policy T2 – Parking Standards

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
- Impact on ecology
- Nitrate neutrality
- Impact on parking and highways
- Other matters
- Planning balance

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 (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**

The properties within Newtown Close are comprised of mainly semi-detached two storey properties, with detached bungalows at the end of the cul-de-sac, the street scene is quite compact, with the houses positioned close together. Number 2 Newtown Close is a semi-detached property occupying a relatively large plot when compared to others in the vicinity. The current dwelling has a single storey side extension, which appears unfinished. There is also a disused garage and outbuilding. The proposal includes the removal of this extension, which is referred to as 'terrace' within the plans, and the outbuildings to accommodate the proposed new dwelling.

8.4 The proposed development would be detached from the existing semi-detached pair, with there being approximately 1m between the proposed dwelling and No. 2 Newtown Close. Due to the current staggered nature of the properties being stepped down slightly from north to south on both sides of the road, a dwelling of this size in this location would follow this existing building pattern. The scale of the proposed dwelling is also comparable to that of existing properties in the vicinity of the site. Whilst the proposed dwelling is detached, limited separation between it and the neighbouring dwelling would be such that it would likely still be appreciated as a row of terraces, in keeping with the character of the area.

8.5 The scale and roof form of proposed dwelling is of a similar design to other properties within the vicinity, and therefore in keeping with the character and appearance of the area. The arrangement of the windows differs from the existing uniformed appearance of the dwellings within the street scene. The properties in the area typically have a double window above the front door and triple windows on the first floor above triple windows on the ground floor. The proposed dwelling shows a quadruple window above the front door, and a double window at first floor, and a quadruple window on the ground floor. However, the windows are positioned under the eaves to replicate the position on the neighbouring properties, as such it is considered to satisfactorily integrate with the character of the surrounding area.

- 8.6 The location of parking in the area is generally to the side of the dwellings. This provides space to the front of the properties to be used as gardens, enclosed by boundary walls and fences. Some dwellings in the area, such as No.9 Newtown Close include parking to the front with no front garden.
- 8.7 The combined parking for both the existing and the proposed dwelling would result in a loss of green frontage and low boundary wall. Considering the presence of large areas of hardstanding in the immediate vicinity of the site, including in relation to those properties which have driveways to the site, it is considered that this element of the proposals would satisfactorily integrate with the character of the surrounding area subject to a condition requiring further details of the hardstanding to be submitted to an approved by the LPA.
- 8.8 The proposal would comply with Policy E1 of the Test Valley Borough Council.
- 8.9 **Impact on amenity**
The proposal would provide an appropriate sized garden for both the proposed dwelling and the existing which is comparable to neighbouring properties within the immediate area.
- 8.10 With regards to loss of sunlight and overshadowing, it is considered that the majority of shade cast by the proposal will be within the late afternoon/evening and to number 2 Newtown Close. The additional shade caused would likely be mostly within the shade cast by the side extension to be removed. Therefore, it is not considered the proposal would cause overshadowing beyond acceptable levels.
- 8.11 In relation to privacy, the windows proposed at the front elevation at first floor level would look onto the road, a public space, consistent with the layout of adjoining properties. The windows proposed to the rear at first floor would serve a shower room, and a hallway and would look directly onto the rear elevations and private gardens of 12, 14, and 14a Plantation Road, with oblique views to number 11. There is a significant level change between the application site, and the gardens of 11, 12, 14, and 14a, which are situated at a lower level. Due to the degree of changes in land level, it is considered that, left uncontrolled, the rear first floor windows would result in unacceptable overlooking opportunities to the private gardens of the neighbouring properties. However, considering the proposed use of these rooms it is considered that, should permission be granted, a condition ensuring that these windows are obscured glazed and non-opening could be imposed to overcome the concerns in relation to overlooking.
- 8.12 It is noted that the application refers to the roof of the side extension as a terrace however it is not considered that this has been used in this way. The roof is made of felt and there is no wall to the side as a means of enclosure at this level. Therefore, little weight is given to this as an existing arrangement.

- 8.13 The proposed dwelling is 7.8m tall to the ridge and set on land higher than the properties to the south. Due to the existing significant change in land levels, the increase in mass, which is exaggerated by the elevated nature of the application site, and the proximity to the neighbouring boundaries, it is considered that the proposal would result in an overbearing and oppressive impact to the private outdoor amenity spaces of the neighbouring properties to the south as the dwelling would be excessively prominent from the private rear gardens of the neighbouring dwellings, which would significantly harm the living conditions of the occupants of 11, 12, 14, and 14a Plantation Road which would be at odds with Policy LHW4 of the TVBRLP.
- 8.14 **Impact on ecology**
The application is supported by a Preliminary Roost Assessment (Daniel Ahern Ecology, March 2024). The report identifies that the buildings to be impacted by the proposal have negligible potential for roosting bats. Should permission be recommended, a condition requiring the habitat enhancement measures outlined within section 4.2.2 of that report to be incorporated within the development, in accordance with Policy E5 of the TVBRLP.
- 8.15 **Biodiversity Net Gain**
In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 71 of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%, as measured by the statutory biodiversity metric.
- 8.16 Some developments are exempt from BNG, one such example is self-build housebuilding. An exemption applies to this type of development when it meets all the following conditions: consists of no more than 9 dwellings, on a site that has an area no larger than 0.5 hectares, and consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.
- 8.17 No legal agreement has been secured to ensure that the developer would occupy the property without financial arrangement and ensure that the development would comply with the requirements as specified within section 1(A1) of the Self-build and Custom Housebuilding Act 2015. Therefore the proposal does not meet the requirements of Schedule 71 of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 8.18 **Nitrate neutrality**
The River Test and its major tributaries flow into the Solent. The Solent and Southampton Water SPA region is one of the most important for wildlife in the United Kingdom and is protected by UK and European law. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact. In accordance with the guidance from Natural England on achieving nutrient

neutrality in the Solent (March 2022) the proposal would be required to demonstrate nutrient neutrality in order to ensure that there would not be a likely significant effect on the Solent and Southampton Water SPA region, specifically the following sites:

- Solent and Southampton Water SPA/Ramsar
- Solent Maritime SAC

- 8.19 A nitrate calculation has been submitted with the application, and the planning statement states that the applicant would be willing to purchase credits for nitrate mitigation.
- 8.20 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.21 Nitrate calculations have been submitted which demonstrate that the proposal would result in an additional nitrate load of 2.84 TN/kg/yr. The applicant has reserved credits from Eastleigh Borough Council to mitigate the additional load. The offer is for one application and cannot be used for both applications that have been submitted simultaneously. The reservation offer is valid for a period of 4 months and requires confirmation that planning permission has been granted.
- 8.22 No legal agreement has been entered into to secure appropriate mitigation, therefore it cannot be concluded that nutrient neutrality would be achieved. As such, it is considered that the proposal would be contrary to policies E8 and E5 of the TVBRLP.
- 8.23 **Impact on parking and highways**
In accordance with Annex G of the TVBRLP, 3-bedroom dwellings require 2 car parking spaces. The submitted block plan demonstrates that the proposed dwelling and retained dwelling would both be awarded 2 off road parking spaces in accordance with policy T2 of the TVBRLP.
- 8.24 Third party concerns were received in relation to existing on-street parking pressures and the proposal resulting in an increase to on-street parking. As identified above, the proposal demonstrates that 2 parking spaces would be provided to serve the new dwelling and 2 parking spaces would be retained for the existing dwelling. As Policy T2 requires 2 parking spaces for a 2 bedroom dwelling the proposal is compliant.
- 8.25 A note should be added to any permission reminding the applicant that separate permission is required from the highway authority to form a new access onto Newtown Close.

- 8.26 Should planning permission be granted, it is recommended that a condition be imposed to ensure that the proposed parking spaces are available for parking prior to the first occupation of the development and retained in perpetuity to ensure that the proposal does not increase parking pressures and displace parking to the highway in accordance with Policy T1 of the TVBRLP.
- 8.27 **Other matters**
Third party comments were received in relation to overdevelopment. Overdevelopment relates to development that would result in excessive demands on infrastructure and services or impact on the local character, as the proposal is for 1 dwelling located within the settlement boundary it is not considered that the proposal would result in excessive demands on infrastructure or services. The impact on the character of the area is addressed within paragraph 8.2 – 8.8 of this report.
- 8.28 Third party comments were received in relation to the construction stage of the development and the impact on parking and traffic. Given the location of the proposed dwelling and the closeness of properties within the street and narrow road, should permission be granted it would be reasonable to impose a condition to request that a Construction Management Plan be submitted prior to the commencement of development.
- 8.29 Third party comments were received in relation to the proposed tree planting and issues that may arise in future years as a result. Should permission be granted, a condition requiring details of proposed soft landscaping can be secured to ensure that the proposed trees would be appropriate in this location.
- 8.30 **Planning balance**
It is accepted that the development would not result in any harm to highway safety or be detrimental to the character and appearance of the area. Furthermore, the development would result in an additional new dwelling. The benefits that come from this development include a minor increase in housing land supply, and employment in the form of construction workers during the build out phase of the development.
- 8.31 However, the proposed development would result in harm to the amenities of existing and future occupants of adjoining properties through overbearing. In addition, in the absence of a completed s106 legal agreement, the proposed development would result in harm to the Southampton Water European Designated Sites.
- 8.32 Taking into consideration the fact that one additional dwelling is insignificant in terms of boosting housing land supply, which at present the Council is meeting its defined HLS requirements over the prescribed 4 year and 5-year period. The benefits above are not considered to outweigh the real and identified harm caused by the development and would therefore be in conflict with the requirement of the local plan. The application is therefore recommended for refusal.

9.0 CONCLUSION

- 9.1 To summarise, the proposal would have a detrimental impact on neighbouring amenity and result in an overbearing impact to neighbouring properties, contrary to Policy LHW4.
- 9.2 No legal agreement has been entered into to secure appropriate nitrate mitigation. It cannot be concluded that nutrient neutrality would be achieved, contrary to policies E8 and E5 of the RLP.
- 9.3 Furthermore, no legal agreement has been entered into to secure that the dwelling complies with section 1(A1) of the Self-build and Custom Housebuilding Act 2015 and therefore Schedule 71 of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 9.4 The proposal would be contrary to Policy LHW4, E5, E8 and subsequently COM2 of the Test Valley Borough Revised Local Plan 2016 and Schedule 71 of the Town and Country Planning Act 1990.

10.0 RECOMMENDATION

REFUSE for the reasons:

1. **The proposed development, by virtue of its location and scale, would have an overbearing impact on the neighbouring properties; 11, 12,14 and 14a. Due to the elevated nature of the site in comparison to the existing dwellings adjacent to the site, the proposed dwelling would have a dominating effect on the neighbouring properties and would result in unacceptable overbearing. It is therefore concluded that the proposed development would be contrary to policy LHW4 of the Test Valley Borough Revised Local Plan 2016**
2. **The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policy E5 and E8 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**
3. **In the absence of a completed legal agreement ensuring that the dwelling is built and occupied as a self-build dwelling (following the exemption specified on the signed application form accompanying the application), the proposal would fail to provide mandatory biodiversity net gain as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).**

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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