
Site Address: 42 Albretia Avenue, Waterloooville, PO8 8QS
Proposal: Removal of Condition No. 8 from Planning Permission 93/51862/005.
(This condition controls the making of extensions to the house, the provision of outbuildings or other structures in the garden, or hard-standings/hard-surfaces).
Application No: APP/14/00094 Expiry Date: 27/03/2014
Applicant: Mr & Mrs Cochrane Team: Team 2
Agent: Case Officer: Tina Pickup
Ward: Hart Plain

Recommendation: **GRANT PERMISSION**

1 Site Description

Number 42 Albretia Close is located on the west side of the road, being the penultimate property before the junction with Oaklands Grove. It is a substantial detached dwelling of dark red brick and tile, having an attached double garage. The front is predominately brick paved providing parking for several cars. The plot is wide and narrow; the built form stretches across the majority of the plot leaving a shallow rear garden, having a depth of approximately 7m (extending to 10m where the footprint of the garages steps back) but width of between 24 and 26m. The rear boundary treatment comprises 2m close boarded fencing.

2 Planning History

93/51862/5 - 4 bedroomed detached house, attached double garage, access from Albretia Avenue and associated removal of 3 sycamores covered by TPO 1399, and planting of replacement trees. Conditional permission 28/02/1994

Note - it is condition 8 of this permission, which removed p.d. rights (Classes A, E & F) that this application refers.

04/59818/002 - Conservatory to rear Conditional Permission 20/12/2004

08/59818/004 - Application to fell an oak tree covered by TPO 1399 Refused 14/3/2008; Appeal allowed 25/11/2008

3 Proposal

Permitted development rights were removed by condition 8 of planning permission 93/51862/5 and the reason for the removal was given as 'Inorder to protect the TPO Oak tree at the rear of the site and assess any impact of such proposals on it.'

The appeal in 2008 allowed the removal of the oak tree, which has been implemented - it is no longer there. Therefore the original tree no longer forms a constraint at the site and this application therefore seeks the removal of condition 8 restricting permitted development rights relating to Classes A (enlargements to house), E (outbuildings) and F (hard surfacing). This would enable extensions to the property to be undertaken if all criteria of the GDPO are met.

4 Policy Considerations

National Policies

Core Strategies 2011 forming part of the HBLDF

CS16 (High Quality Design)

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency, Planning Liaison - South Downs - No comment

Arboriculturalist - Notes that the conditions imposed by the Inspector relating to planting a replacement tree need to be complied with

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 5

Number of site notices: At least one site notice exists - check the number.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Reason for Condition

- (i) Principle of development

The site is located within the defined urban area where development is considered to be acceptable in principle, subject to other development control considerations. The

curtilage of the dwelling is of ample size to accommodate extensions under permitted development rights in principle.

(ii) Reason for Condition

As noted above, the condition removing p.d. rights was imposed to protect the oak tree the subject of the TPO which was located in the north west corner of the site. It would have been considered at the time that any extensions, outbuildings or hard surfacing undertaken as p.d. could have had a detrimental impact on the tree eg proximity to root protection area, compression etc. However, the appeal in 2008 allowed the removal of the tree and the applicant advised me that they took it down within about three weeks of the appeal decision. As required by the conditions of the appeal, a replacement tree has been planted on site - it is a 'fastigate pedunculate' oak, located within the flower border adjacent the western boundary of the site. At the time of the site visit (28/3/2014) it was approximately 2.5m high - it is a slow growing, upright columnar shaped tree. As such it's root or crown spread is very confined and is unlikely to become a constraint to any permitted development that could occur at the site, even once mature in the future.

The applicant advised that he has no imminent plans for any permitted development extensions, but rather wanted the condition formally removed to make the site history clearer in the event of the future sale of the property.

8 Conclusion

Since the original oak tree is no longer present on site and the replacement oak tree, by virtue of its particular species size and form, does not, and will not form a constraint to any extensions that could be carried out under permitted development rights, then there is no objection to the removal of this condition.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00094

(A)

(B)