

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 02
Address: Bumble Cottage 6 Liberty Road Newtown Fareham Hampshire PO17 6LD

Parish/Ward Soberton

Proposal Description: Replacement four bedroom dwelling; revision to approved planning permission W17401/01 (PART RETROSPECTIVE)

Applicants Name Mr Gary Jackson

Case No: 05/00171/FUL

W No: W17401/03

Case Officer: Emma Norgate

Date Valid: 19 January 2005

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor
Reason for Committee: Parish Council submitted representations contrary to officer recommendation
Reason for Committee: 4 or more representations contrary to the Officer's recommendations have been received

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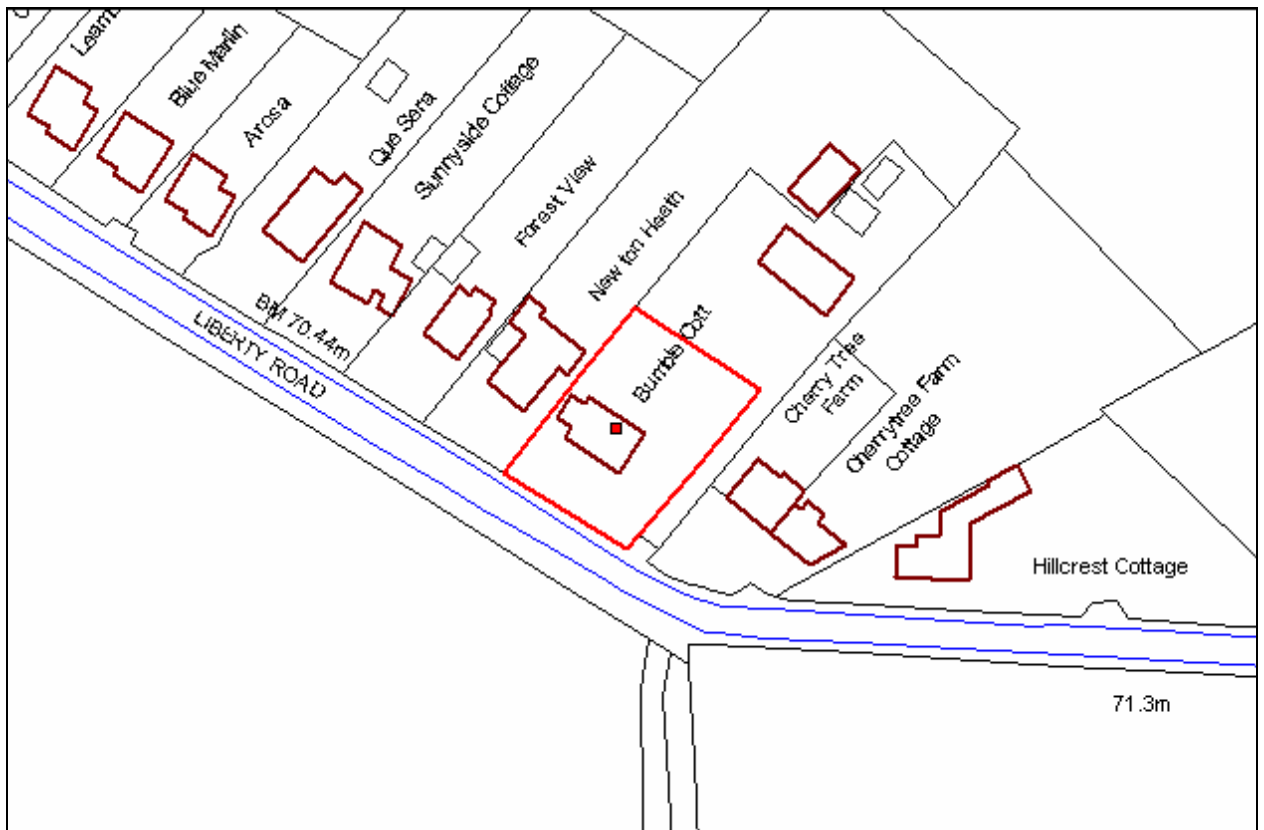
SITE LOCATION PLAN

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Site Description

- The site is located at Bumble Cottage on Liberty Road in Newtown and Liberty Road is characterised by a mix of dwelling styles and types.
- The replacement dwelling at Bumble Cottage is currently under construction.
- Although properties are generally set back from the road, there are a number of examples where buildings are set closer to the road.
- Existing buildings are predominantly constructed of brick with elements of tile hanging, cladding, flint and render.

Relevant Planning History

- W17401 – demolition of existing dwelling and erection of 2no. detached dwellings (outline) – refused
- W17401/1 – demolish existing building and erection of 1no. five bedroom dwelling – grant – 26/4/02
- W17401/02 – replacement five bedroom dwelling – refused – 17/5/04

Proposal

- As per Proposal Description
- An application for the erection of 1no. five bedroom dwelling was approved under officers delegated powers in April 2002.
- It has come to the Local Planning Authority's attention that the replacement dwelling was not being constructed in the correct position on the approved plans and therefore, this application seeks to regularise the siting of the dwelling.
- The applicant's agent has supplied a survey drawing showing the position of the building as approved, the new siting and the position of the adjoining buildings on either side.
- It appears that the internal arrangement has been revised which has resulted in a four bed dwelling, rather than the five that were previously approved, and an en-suite bathroom at first floor level which has meant a further window on the first floor rear elevation.

Consultations

City Engineers:

- No highway objections – notes that a previous planning consent has been issued that has accepted the principle of development, that no new vehicular or alterations to the existing access are to occur and that it is unlikely that the proposals will cause demonstrable harm to users of the adjoining highway. He has also commented that there is sufficient parking and turning on site.

Building Control:

- Do not appear to be any issues as far as Building Control is concerned.

Enforcement:

- An oral update will be given.

Environmental Health:

- No adverse comments to make concerning the application, but would like notes regarding hours of operation and burning of materials to be added to any consent.

Landscape

- Have concerns with regard to the use of Cupresses as they have a high water demand and may not be the ideal solution. Suggests an alternative Betula "jacquemontii" (Himalayan Birch) to be set in from the boundary. This is relatively fast growing, with a light canopy, there should be no problems with foundations or services. It also has a low water demand in high shrinkage soils.

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Representations:

Soberton Parish Council – object

- Fails to comply with H2 in that its scale, form and mass are out of character to adjacent properties, specific concerns relate to the set back from the road frontage and the variance from the footprint of the residence it replaces. Fails to comply with the VDS in that it is out of scale with surrounding buildings and will impact detrimentally on the amenities of adjoining properties.

Letters of representations have been received from 14 Neighbours (4 from one dwelling, 2 from one dwelling)

- Site plan is faint and therefore unable to see position of previous building, building under construction, approved position or adjacent buildings, plan also does not show boundary wall.
- Plans show 5 habitable rooms at first floor level, but described as 4 bed dwelling.
- Porch canopy is not shown on the plans and the area of the site does not match between plans and forms.
- Foul and surface water is not available and soakaways are not suitable.
- Tree to the front has been felled, although the proposal states that no trees are to be removed.
- North point not shown on plans.
- New building will have a harmful impact on the appearance of the area, building will affect the semi-rural character of the road.
- Building will have a detrimental effect on the privacy of adjoining properties by overlooking and loss of light.
- Misalignment of the building now means that the ground floor windows in a bedroom and kitchen and patio are now overlooked.
- By refusing it, it will avoid setting a precedent.
- New building protrudes approx. 8ft forward, beyond the accepted building line, changes the local character of the street scene causing unnecessary and harmful changes to the long established street scene, dominates this particular area of Liberty Road and blocks the views of flint walls of Cherry Tree Farm.
- New siting of the building means that it is out of balance with adjoining buildings and the natural environment.
- Careful design and siting was essential on this prominent and sensitive site and all those factors were taken into consideration when dealing with the original application.
- Design is mediocre and brick overpowers its surroundings.
- Space for off road turning is reduced meaning that vehicles will be forced to reverse into the highway and will be detrimental to highway safety.
- Cannot understand how the building was located in the incorrect position.
- Concern with regard to the trees suggested as a boundary treatment and the impact that this could have due to water take and the subsoil and that it is contrary to BS 5837, guidelines for trees in relation to construction and considers that the height that would be required would be contrary to high hedges legislation.
- Proposed height of trees will not be effective.
- Dwelling is in the wrong location and should be returned to its original position, if this does not happen, then there is no need for a planning department.
- Cost of Enforcement action would be justified in protecting the environment.
- Essential that planning rules are adhered to and as the original permission was ignored, then this should be enough to refuse permission and the original position should be reverted to.
- Scale of the building is vastly oversized for the site.
- Proposal illustrates the character of disaster that has affected this application.
- Proposal conflicts with advice in PPG1 with regard to neighbourliness and overlooking.
- Contrary to Article 8 of the Human Rights Act (2000).
- In 2004 an almost identical application was refused due to poor design, out of keeping and adverse impact on the streetscene.

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Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T2

Winchester District Local Plan

- H2, EN5, EN7, T9

Winchester District Local Plan Review Deposit and Revised Deposit:

- H3, DP3, DP5, T2, T4

Supplementary Planning Guidance:

- Soberton Village Design Statement

National Planning Policy Guidance/Statements:

- PPS 1 Delivering Sustainable Development

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area /street scene
- Residential amenities
- Comments on representations

Principle of development

- The principle of replacing the original Bumble Cottage on this site has already been established by the granting of planning permission W17401/1 in April 2002.
- It appears that for a number of reasons, that the dwelling has not been sited in the approved position and has actually been sited 1.8m further forward than the approved plan.
- The applicant's agent has submitted a survey drawing which plots the position of the originally approved dwelling under W17401/1 and the actual siting of the new dwelling which is to be considered.

Impact on character of area / street scene

- The building has been constructed 1.8m further forward to the road than the position approved under W17401/1.
- Although the building is set further forward than the immediate neighbours to the north-west and south-east, there are examples on Liberty Road, where buildings are set further forward in the street scene.
- The building is more prominent in the street scene due to the fact that it is a two storey dwelling rather than the single storey bungalow that was there previously and due to its overall design.
- However, the size and mass of the proposal have not altered from that which was approved in 2002, and it is therefore considered acceptable.
- Therefore Officers consider that the revised siting will not have a detrimental impact on the street scene in the revised position.

Residential amenities

- No windows are proposed on either of the side elevations. On the previously approved application, there was a door and window on the side elevation of the garage.
- Four windows are proposed on the rear elevation at first floor level, two of which are to be for en-suite and bathroom windows.
- The window to bedroom 1 is located 15m from the side elevation which has windows in, of the annex to Newton Heath, there is a small patio area in front of the annex. There is overlooking of this, although at an oblique angle, there is also a silver birch tree to the boundary on the application site, which is intended to be retained.

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- The applicant has also suggested further planting along this boundary.
- The second bedroom window is over 20m from the windows in the annex to Newton Heath and 15m to the boundary.
- With regard to loss of light, the application site is located to the south-east of Newton Heath, at its closest point, the two storey element is 7.6m from the building of Newton Heath. Therefore there will be loss of early morning light to Newton Heath.
- There is a single storey garage to the side, with the second garage integral to the dwelling. The single storey element at its closest point is 1.2m from the boundary and has a lean-to roof.

Comments on representations

- A new plan has been submitted which clearly identifies the position of the approved dwelling, the position which the building has been constructed in, the boundaries to either side, the position of the dwellings to either side and a north point.
- The first floor plans clearly indicate 4 bedrooms, a dressing room, a bathroom and 2 en-suite bathrooms.
- There is no right to a view across someone else's land.
- The site does not fall within a Conservation Area and there are no Tree Preservation Orders on the site, therefore permission was not required to fell a tree in this instance.
- If Members were minded to refuse this application, the applicant would be able to appeal against the refusal.
- If Members were minded to refuse this application, they would also be able to consider taking Enforcement action.
- In May 2004, permission was refused under Officers delegated powers for a five bed dwelling. That application had a double width front gable and a double detached garage to the side. This also meant alterations to the windows which were considered to be unbalanced and the double width gable created a bulky addition to the front of the property. The detached garage to the east of the dwelling was considered to result in loss of space about the building.
- PPG1 has now been superseded by PPS1.
- Other issues are addressed in the report.

Recommendation

APPROVE – subject to the following condition(s):

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 A detailed scheme for landscaping, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development is completed. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of development, whichever is sooner. If within a period of five years from the date of planting, any trees, shrubs or plants die, are removed, or, in the opinion of the Local Planning Authority become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

02 Reason: To improve the appearance of the site in the interests of visual amenity.

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03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order, with or without modification), no windows shall, at any time, be constructed at first floor level in the south-east and north-west elevations of the dwelling hereby permitted.

03 Reason: To protect the amenity and privacy of the adjoining residential properties.

04 All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

04 Reason: To protect the amenities of adjoining properties during the construction period.

05 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

05 Reason: To ensure the permanent availability of parking for the property.

06 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

06 Reason: In the interests of highway safety.

Informatives

01. This permission is granted for the following reasons:-

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, T2

Winchester District Local Plan Proposals: H2, EN5, EN7, T9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: H3, DP3, DP5, T2, T4