

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

<b>Item No:</b>	19
<b>Address:</b>	Bumble Cottage6 Liberty Road Newtown Fareham Hampshire PO17 6LD
<b>Parish/Ward</b>	Soberton
<b>Proposal Description:</b>	Replacement four bedroom dwelling; revision to approved planning permission W17401/01 (PART RETROSPECTIVE)
<b>Applicants Name</b>	Mr Gary Jackson
<b>Case No:</b>	05/01177/FUL
<b>W No:</b>	W17401/04
<b>Case Officer:</b>	Emma Norgate
<b>Date Valid:</b>	13 May 2005
<b>Delegated or Committee:</b>	Committee Decision
<b>Reason for Committee:</b>	At the request of a councillor
<b>Reason for Committee:</b>	Parish Council submitted representations contrary to officer recommendation
<b>Reason for Committee:</b>	4 or more representations contrary to the Officer's recommendations have been received

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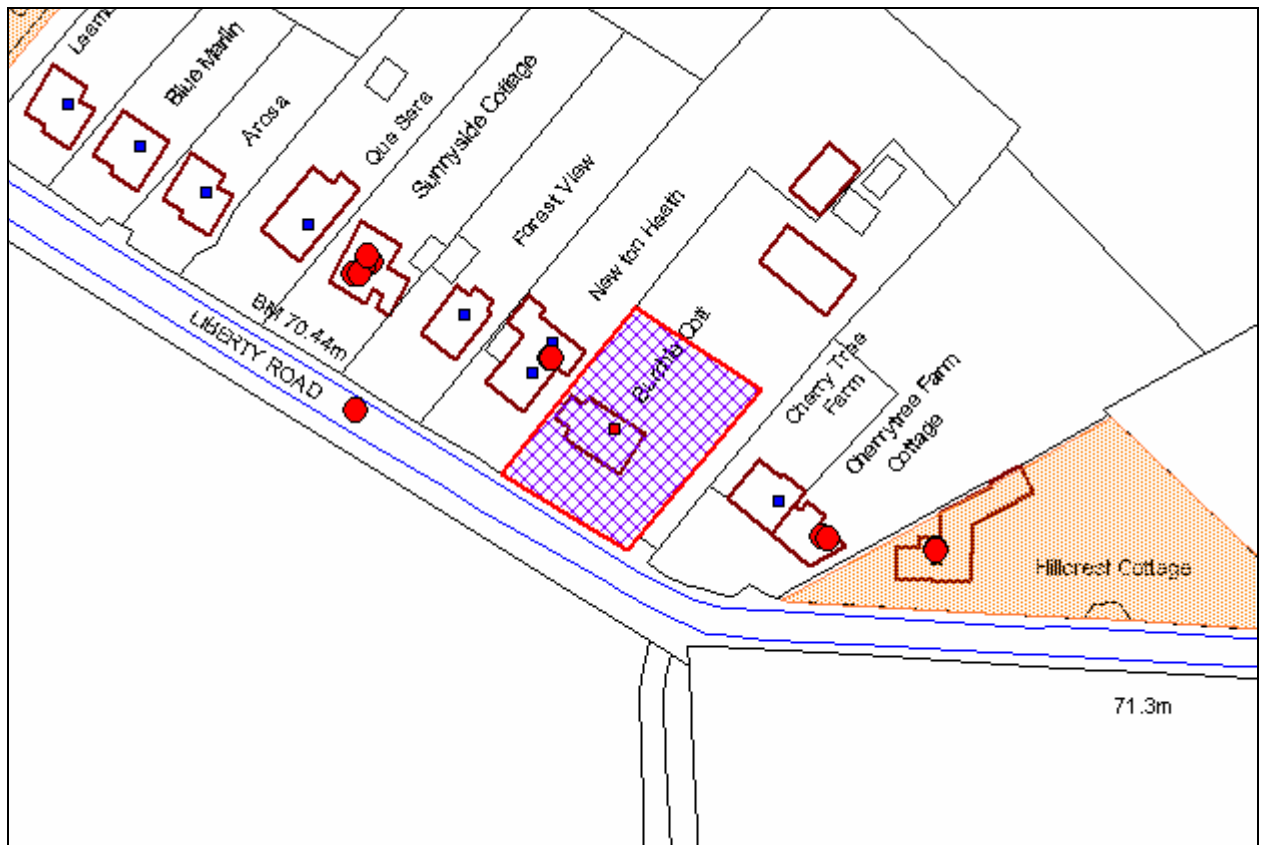
**SITE LOCATION PLAN**

**Case No:** 05/01177/FUL

**W No:** W17401/04

**Address:** Bumble Cottage 6 Liberty Road Newtown Fareham Hampshire

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



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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 2 no. detached dwellings (OUTLINE) - Bumble Cottage 6 Liberty Road Newtown Soberton Fareham Hants PO17 6LD - Application Refused 22/11/2001
- W17401/01 - Demolish existing building and erection of 1 no. five bed roomed dwelling - Bumble Cottage 6 Liberty Road Newtown Soberton Fareham Hants PO17 6LD - Application Permitted - 26/04/2002
- W17401/02 - Replacement five bedroom dwelling - Bumble Cottage 6 Liberty Road Newtown Fareham Hampshire PO17 6LD - Application Refused - 17/05/2004
- W17401/03 - Replacement four bedroom dwelling; revision to approved planning permission W17401/01 (PART RETROSPECTIVE) - Bumble Cottage 6 Liberty Road Newtown Fareham Hampshire PO17 6LD - Application Refused - 08/04/2005

**Proposal**

- As per Proposal Description
- Members will recall that the previous planning application W17401/03 was refused at Planning Development Control Committee following a Viewing Sub Committee, in April this year.
- That application was refused because the revised siting would cause unacceptable levels of overlooking and consequent loss of amenity to the occupiers of the adjoining dwelling and the revised siting of the dwelling results in an adverse impact on the street scene.
- That application is now the subject of a Public Inquiry, due to be heard in December 2005.
- This application has been submitted to overcome those reasons for refusal.
- The siting of the dwelling is to be in the position that the dwelling has been built, i.e. 1.8m further forward than the approved position.
- The attached garage to the west elevation has been removed, leaving a single storey utility room to the rear of the west elevation.
- Parking is provided within the integral garage and the area to the west of the building where the attached garage previously stood.
- With regard to overlooking a square bay window is proposed to bedrooms 1 and 3, which are on the rear elevation. These are proposed to have obscure glazed sides.

**Consultations**

Engineers:Highways:

- No highway objections – concerns were raised by neighbours regarding lack of on site turning space currently available. Although space was somewhat limited, sufficient room exists to allow on site turning to occur. Those concerns can easily be overcome by simply increasing the driveway into the rockery area to allow a vehicle to turn. This can be shown on an amended plan or can be conditioned.
- Comments on amended plan – note has been added to the plan stating additional turning area, subject to a condition being applied to ensure the creation of this turning area to the approval of the Local Planning Authority, I do not consider that there is sufficient reason to

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warrant a highway reason for refusal in this instance.

Landscape:

- No objection.

**Representations:**

Soberton Parish Council

- Object – Fails to comply with H2 in that its scale, form and mass are out of character with 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. View of the Parish Council is that in order for the proposal to be made acceptable, that the front of the replacement house should be reconstructed along the alignment of the original building. This will require design changes at both first and ground floor layout including loss of bed 4, study and garage, but is certainly possible.
- Representation from local member – object – proposal does not do enough to rectify the damage to the street scene caused by the erection of this building in the wrong place. Proposal does not do enough to rectify the overlooking caused to the neighbouring property caused by the erection of the building in the wrong place. Proposal does not do enough to allow the safe turning of cars within the front garden, caused by the erection of the house in the wrong place. Suggests a number of alterations which could overcome the issues identified. Under permitted development rights, the applicant could simply rebuild all that this application would demolish.
- Petition from WCI Support Group – against the dwelling being pulled down: 65 signatories  
Letters of representations have been received from 14 Neighbours (11 object, 2 comment, 1 support)
  - Proposal will set a precedent.
  - Too dominant within the street scene and proposals do not reduce the impact of the dwelling, which is caused by being built in the wrong position, which is considerable and the design.
  - Proposal detracts from the character of the area.
  - Proposal overshadows and results in loss of light to neighbouring properties.
  - Car parking and turning will be difficult, and vehicles will have to reverse out onto the road, this issue should be revisited.
  - Dwelling would have full permitted development rights.
  - Proposal would overlook neighbouring properties, use of obscure glass does not prevent this and could be removed and the use of a bay window is not in character. Unclear how much glazing is proposed.
  - Nothing done to move the proposal back to an acceptable building line, does not overcome the incorrect positioning.
  - Proposal would only be acceptable if both garages and the gable were removed. Removal of garage does not alter the dominant position of the dwelling in the street scene.
  - Drainage arrangements are not acceptable.
  - Changes could be reversed and there should be a deed of covenant to prevent development to the front of the site.
  - Pre-application discussions and discussions have been interpreted as commitment to approval. This dialogue seems contrary to code of conduct and is unfair.
  - Contrary to policy and the VDS.
  - Parking is not in accordance with standards as this is now a 5 bed dwelling.
  - Comments with regard to compliance and enforcement, and the procedures on the previous application, including previous missing application files and how the view of the committee was different to officer advice and the decision of the Viewing Sub Committee and how this does not show the Council in a good light.
  - Technical problems with the application, issues with regard to Councillors, objectors do not want a house of any house and want the current one pulled down.

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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/spatial characteristics/street scene
- Residential amenities
- Highways
- 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

- The building has been constructed 1.8m further forward towards 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.
- In terms of the design, the dwelling has been built in accordance with the approved plans under W17401/01.
- This proposal revises the design of the house to remove the attached garage, this means that the roof which wrapped around the side of the building, at single storey height is to be removed.
- Officers were previously of the view that the revised siting of the proposal was acceptable.
- With regard to the revised proposal, officers are of the view that this is acceptable and that it will not have an adverse impact on the street scene.

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.

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- Four windows are proposed on the rear elevation at first floor level, two of which are to be for en-suite and bathroom windows.
- Officers were previously of the view that although there would be overlooking from the revised siting of Bumble Cottage to Newton Heath from bedroom no. 1, that this would be at an oblique angle and there is also a silver birch tree to the boundary which is intended to be retained.
- The window to bedroom 1 was located 15m from the windows in the side elevation of the annexe, and there is a small patio area in front of the annexe.
- In order to address this reason for refusal, the revised submission includes a square bay window to both bedroom 1 and bedroom 3, the side cheek of this would be obscure glazed, and there would need to be a condition to ensure that this is retained.
- The purpose of this is to restrict views, and the angle of those views, into the neighbouring property to the north-west, Newton Heath.
- With regard to loss of light, the application site is located to the south-east of Newton Heath.
- Officers are of the view that the proposal will result in loss of early morning light to Newton Heath, but it is not considered sufficient reason to recommend refusal of the application.

Highways

- The City Engineer has been consulted with regard to the proposal.
- He noted that there were a number of concerns with regard to on site parking and turning, but that there was sufficient room to allow on site parking to occur. Furthermore with regard to the amended plan on this application he is satisfied that subject to a condition being applied to ensure the creation of this turning area to the approval of the Local Planning Authority, that there was insufficient reason to warrant a highway reason for refusal in this instance.
- Although the attached garage has been removed from this proposal, there is still sufficient space to park a vehicle to side of the dwelling. Another vehicle is to be accommodated in the dwelling and a further car on the driveway which was the situation with regard to the previous application. Three vehicles can be accommodated on site which meets the parking standards for a four bedroom dwelling.

Comments on representations

- With regard to drainage issues, this would be the subject of Building regulations, but this is a replacement dwelling and there would be existing arrangements to be taken into consideration.
- As identified in PPS1, applicants and Local Planning Authorities are encouraged to take a positive attitude towards pre-application discussions. These discussions are undertaken on a without prejudice basis and do not bind the Council to a formal decision.
- Officers make a recommendation to Members based on their professional judgement, Members are entitled to overturn an officer recommendation as part of the democratic process.
- Each application site is unique and therefore has to be treated on its own merits. Circumstances and/or development plan policy are different for each and every site and therefore just because planning permission is granted in one instance, does not automatically mean that planning permission would be granted in another.
- The removal of Permitted Development rights is an issue that needs to be carefully considered. They were not removed on the original application to replace the dwelling (W17401/01).
- Other issues addressed in the report.

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**Recommendation**

**APPROVE – subject to the following condition(s):**

**Conditions/Reasons**

01 The development hereby permitted shall be begun before the expiration of 6 months from the date of this permission. Works shall be carried out in accordance with the approved plans.

01 Reason: To ensure that the works are carried out in accordance with the terms of the application.

02 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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 the development whichever is the sooner. If within a period of 5 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.

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 the parking area shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The approved details shall be fully implemented before the house is occupied and thereafter maintained.

06 Reason: In the interests of highway safety and to allow vehicles to enter and leave the site in a forward gear.

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**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