

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 6 October 2005

Item No:	01
Address:	Barclay House Beeches Hill Bishops Waltham Southampton Hampshire SO32 1FE
Parish/Ward	Bishops Waltham
Proposal Description:	New access and gate to rear garden (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)
Applicants Name	Mrs M Dorrell
Case No:	05/01663/FUL
W No:	W00386/05
Case Officer:	Lisa Booth
Date Valid:	21 July 2005
Delegated or Committee:	Committee Decision
Reason for Committee:	4 or more representations contrary to the Officer's recommendations have been received
Site Factors:	Civil Aviation Public Right of Way

Site Description

- Detached dwelling

Relevant Planning History

- W00386 - Erection of dwelling and garage – Permitted 12/11/74
- W00386/01 - Erection of one dwelling and garage with new vehicular access – 15/07/75
- W00386/02 - Erection of extension to provide garage – Refused 29/12/77
- W00386/03 - Erection of garage extension – Permitted 13/10/82
- W00386/04 - Conversion of existing garage to annex – Permitted 06/11/02

Proposal

- As per Proposal Description
- To insert a 2m high gate to the rear of the garden area to create a new pedestrian access onto the public footpath.

Consultations

Engineers:Highways:

- The application does not appear to contain any significant highway objections.

Landscape:

- No objections

Representations:

Bishops Waltham Parish Council

- No comments

Letters of representations have been received from 4 Neighbours

- Steps would be built down into the thoroughfare, where space is already limited. The introduction of any sort of access would create a restriction to vehicular traffic, lorries and tractors and a further limitation to parking/Will create parking problems
- Would encourage residents and guests of Barclay House to park there to gain easier access to the property.
- Would residents of Barclay House, therefore contribute to maintenance of lane?
- Due to level differences and removal of part of hedge would be a further intrusion into the privacy of Primrose Terrace.
- Would create a precedent for other two dwellings to do the same and would cause congestion in the lane.
- Dangerous junction onto Beeches Hill, completely blind to the right/More traffic emerging.
- Gate unnecessary as applicant can walk around the road, which is a matter of metres.
- Never been an exit onto the lane.
- Did not object to annexe planning application as applicants said they would not be having an exit onto lane.
- Problem with dog fouling
- Would create extra noise
- Steps would be within a few feet of back door, which is not acceptable.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, C1, C2

Winchester District Local Plan

- EN5, H2

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Winchester District Local Plan Review Deposit and Revised Deposit:

- DP3, C1, C22

Supplementary Planning Guidance:

- None

National Planning Policy Guidance/Statements:

- PPS 1 Delivering Sustainable Development
- PPS 7 Sustainable Development in Rural Areas

Planning Considerations

The main considerations in respect of this application are:

Principle of development

- The principle of provision of a gate is acceptable providing it is in accordance with policy EN5 of the Winchester District Local Plan and DP3 of the WDLPR.
- It is considered that the proposal, with the inclusion of a condition to ensure that any landscaping is replaced or planted to ensure the privacy of occupiers of both Barclay House and Primrose Terrace, is in accordance with development plan policies.

Impact on the character of the area/spatial characteristics/street scene

- The proposed 2m high gate will be erected to the rear of the property, in order to gain pedestrian access to Footpath 29.
- An access width of 1m will be created to allow an inward opening gate to be provided, with steps within the northern corner of the garden area.
- Overgrown vegetation will be removed and retaining walls provided.
- In planning terms the steps do not require planning permission and therefore the application is for consideration of the impact of the pedestrian gate.
- It should also be noted that planning permission would not be required for a gate of 1m in height.
- Therefore, providing satisfactory details of the gate are provided to the Local Planning Authority, it is considered that the visual impact of the gate will not cause demonstrable harm to users of the lane, adjacent dwellings or users of the footpath.

Residential amenities

- Providing that vegetation is replaced within the garden area of Barclay House, the proposal is not considered to have a detrimental impact on the amenities of the occupiers of Primrose Terrace.

Highways

- The proposal is for a pedestrian gate only and therefore, vehicular traffic will not be using the entrance.
- Therefore, the assessment of the proposal cannot take into consideration any possible parking of cars along the lane from other properties. This is an unadopted road and public footpath with no highway restrictions. Even if there were to be no rear accesses, cars are still at liberty to park along the lane.

Comments on representations

- The proposed gate and steps do not go beyond the rear boundary of Barclay House and will therefore not alter the width of the existing road that runs along 1 Primrose Terrace.
- The gate will also open inwards, thus will not impact on users of the lane.

Recommendation

APPROVE – subject to the following condition(s):

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

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

02 No development shall take place until details of the materials to be used in the construction of the gate hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 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.

03 Reason: To improve the appearance of the site in the interests of visual amenity and to ensure the continued privacy of properties in both Primrose Terrace and Barclay House.

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, C1, C2

Winchester District Local Plan Proposals: EN5, H2

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, C1, C22