

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 07  
**Address:** Bumble Cottage 6 Liberty Road Newtown Fareham Hampshire PO17 6LD

**Parish/Ward** Soberton

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

**Applicants Name** Mr Gary Jackson

**Case No:** 05/02044/FUL

**W No:** W17401/05

**Case Officer:** Mr David Dimon

**Date Valid:** 15 August 2005

**Delegated or Committee:**

**Reason for Committee:** The Officers consider the application to be controversial or potentially controversial

**Site Factors:** None

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**Site Description**

- Bumble Cottage is situated towards the eastern end of the ribbon of development that lies along the north side of Liberty Road Soberton Heath.
- Liberty Road is characterised by a mix of dwelling types, sizes and styles.
- The replacement dwelling at Bumble Cottage is currently under construction with work having ceased following construction of the roof due to an outstanding appeal against refusal of W17401/03.
- 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 (Appeal pending to be heard by public inquiry 13 December 2005).
- W17401/04 - Replacement four bedroom dwelling; revision to approved planning permission W17401/01(PART RETROSPECTIVE) Application approved 18/08/2005.

**Proposal**

- As per Proposal Description
- This application seeks to retain the attached side garage element of the as built building, which was omitted on the plan previously approved under W17401/04 (Item 19 PDC 573 - 28.07.2005)

**Consultations**

Engineers: Highways:

- No highway objections subject to conditions H150 & H170
- This application seeks full permission for a revision of the approved planning permission, details of which are shown on the submitted layout plan (drawing no 05.02).
- A lot of history exists regarding this application site and concerns were raised by neighbours regarding the lack of on site turning space currently available.
- My opinion was that although space was somewhat limited sufficient room existed to allow on site turning to occur.
- However, I did explain to the Planning Committee that concerns raised could be easily overcome by simply increasing the driveway into the rockery area in order to allow a vehicle to turn within 2 to 3 movements. Given the amount of concerns raised regarding this particular issue the revised layout plan should show the additional turning area recommended.

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**Representations:**

Although only two objections had been received by the expiry of the publicity period your officers consider that in view of the controversial history of this site the application should be determined by committee. Objections from the Local Member and the Parish Council have been received subsequent to the initial drafting of this report.

Soberton Parish Council - Object for the reasons set out in previous letters of objection, particularly those in the Council's letter of 2 June 2005.

- That letter made the following points in addition to suggesting that the house be reconstructed along the alignment of the original building.
- Fails to comply with H.2 in that its scale, form and mass are out of character to adjacent properties. The Parish Council's specific concerns relate to the set back from the road frontage, and the proposals considerable variance from the footprint of the residence which it replaces.
- The proposal fails to comply with the Soberton and Newtown Village Design Statement in that it is "out of scale with surrounding buildings" and it will "impact detrimentally on the amenities of adjoining properties".

Letters of representation have been received from two Neighbours

- This house already appears as a massive eyesore with being built too far forward and out of keeping with the rest of Liberty Road.
- This house has not been built in according to the planning guidelines and has clearly ignored the relevant positions of adjacent buildings.
- If this is given the go ahead it will be the wrong decision as the house is clearly being built with doctored and incorrect plans.
- If granted it would remove the applicant's previous amendment to moderate the harmful impact the house has on its immediate neighbour Newton Heath and on the local area.
- It would be in contradiction of the Planning Committee's decision in April of this year to refuse permission,, acknowledging the harmful effects the property has in being built forward of the designated building line.
- It would send the message to the public that any breach of planning permission will be acceptable, providing retrospective applications are submitted to the council in sufficient number.

**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**

Members will be aware that the recent history of this site has been controversial. Officers appreciate that Members may be concerned that this proposal is recommended for approval for the reasons explained below. After having considered this report and any representations made at committee, Members may come to a different conclusion and they are entitled to do so.

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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

Principle of development

- The principle of replacing the original Bumble Cottage on this site has already been established by the granting of planning permission W17401/01 in April 2002 and by the amended plan W17401/04 (Item 19 PDC 573 - 28.07.2005).
- The dwelling as built was not sited in the approved position and was actually sited 1.8m further forward than the approved plan.
- The first application to regularise this situation (W1740/03) was refused by Committee and is now the subject of an appeal to be heard by Public Inquiry on 13 December.
- A second application (W17401/04) was supported by a survey drawing which plotted the position of the originally approved dwelling under W17401/01 and the actual siting of the new dwelling. It also made modifications to the original design including the omission of the attached garage to the side in an attempt to address neighbour objections. That application was approved at Committee on 28.07.2005.
- Enforcement action was approved but in view of the pending appeal and the subsequent approval of W17401/04 will not come into effect unless the appeal is dismissed and W17401/04 not implemented. (See PDC 571 28/07/05)

Impact on character of area

- The building has been constructed 1.8m further forward towards the road than the position approved under W17401/01.
- 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.
- The Application for the revised siting of the dwelling was recommended for approval. However, Members were concerned about the impact of the proposal and refused the application.
- Committee subsequently approved the amended proposal W17401/04 that removed the side garage, leaving only the small utility area projection to the side of the house. This was considered by Members to reduce the bulk of the building adjacent to the neighbour and lessen the impact in the street scene.
- With regard to the current revised proposal to retain the side garage, officers continue to be of the view that this is acceptable. The proposed garage is considered satisfactory in terms of its design and position. However, it is accepted that in the context of the overall impact of the development it adds to the bulk of the building in close proximity to the neighbour. Never the less it is not considered that it will have a sufficiently adverse impact on the street scene or the amenity of neighbours to warrant refusal.
- It is appreciated that Members considered that the garage should be removed to reduce the bulk of the building adjacent to the neighbour and lessen the impact in the street scene.
- Members may therefore consider that the reinstatement of the garage as now proposed would not be acceptable.

Residential amenities

- No windows are now proposed on the side elevation. On the originally approved application, there was a door and window on the side elevation of the garage.

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- With regard to loss of light, the application site is located to the south-east of the dwelling known as Newton Heath.
- Officers are of the view that the proposal will result in loss of early morning light to Newton Heath, but this is not attributable to the single storey garage and is not considered sufficient reason to recommend refusal of the application.

Highways,

- The City Engineer has raised no objection to this proposal, being of the view that although space is somewhat limited, sufficient room exists to allow on site turning to occur.
- This was demonstrated to Members when the last application was considered. The concerns then raised were shown to be easily overcome by simply increasing the driveway into the rockery area in order to allow a vehicle to turn within 2 to 3 movements.
- The applicant has been requested to provide amended plans to show the additional turning area recommended.

**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

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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 and turning space to enable vehicles to turn within the site and exit in forward gear 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.

07 The first floor bay windows to the rear elevation hereby permitted shall be retained as oriel windows as shown on amended plan received 5 August 2005, have non opening side lights and be glazed in obscure glass and thereafter be retained in such condition.

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

08 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

08 Reason: To protect the amenities of the locality and to maintain a good quality environment.

**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 and T2;  
Winchester District Local Plan Proposals: H2, EN5, EN7 and T9;  
Emerging Development Plan- WDLP Review Deposit and Revised Deposit: H3, DP3, DP5, T2 and T4.