

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Winchester City
Council**
Planning Department
Development Control

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

| | | | |
|------------------------|------------------------------|----------------------------|---------------------------|
| Case No: | 07/00687/FUL | Valid Date | 16 March 2007 |
| W No: | 17430/05 | Recommendation Date | 08 May 2007 |
| Case Officer: | Ms Nichola Whitehead | 8 Week Date | 11 May 2007 |
| | | Committee date | 24 May 2007 |
| Recommendation: | Application Permitted | Decision: | Committee Decision |

| | |
|------------------|--|
| Proposal: | Two storey and single storey front extension (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) (RESUBMISSION) |
|------------------|--|

| | |
|--------------|---|
| Site: | 30 Brunel Close Micheldever Station Winchester Hampshire SO21 3BX |
|--------------|---|

| Open Space Y/N | Legal Agreement | S.O.S | Objections | EIA Development | Monitoring Code | Previous Developed Land |
|----------------|-----------------|-------|------------|-----------------|-----------------|-------------------------|
| N | N | N | Y | N | N | Y |

| COMMITTEE ITEM SIGN OFF | | |
|--|------------------|-------------|
| APPROVE Subject to the condition(s) listed | | |
| | Signature | Date |
| CASE OFFICER | | |
| TEAM MANAGER | JCH | 10/05/07 |

AMENDED PLANS DATE:-

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 6
Case No: 07/00687/FUL / W17430/05
Proposal Description: Two storey and single storey front extension (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) (RESUBMISSION)
Address: 30 Brunel Close Micheldever Station Winchester Hampshire SO21 3BX
Parish/Ward: Micheldever
Applicants Name: Mr Rimington
Case Officer: Ms Nichola Whitehead
Date Valid: 16 March 2007
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of the Corporate Director.

This application is a re-submission of a previously approved scheme for an identical proposal. Application no. 06/02385/FUL. This proposal was a negotiated re-submission of a previously refused scheme for a 2 storey full width front extension. Application no. 06/01775/FUL

Due to an error in process the 06/02385/FUL application was not advertised to neighbours nor was any site notices issued. In addition the site block plan was incorrect as it showed the neighbouring property opposite slightly further away from the proposals than is the case. This application has been the subject of Judicial Review and the permission issued has now been quashed by Court Order of 19 April 2007 for failure to comply with procedural regulations regarding necessary advertising of applications. The merit of the planning decision itself was not considered by the Court.

Site Description

The site is located in a residential area within the settlement boundary of Micheldever Station. The property is a detached two storey dwelling of brick and tile construction with white render and dark beam decoration to the first floor front façade.
The property is at the end of a cul-de-sac and accessed at the end of a shared driveway. At the end of the access road there is a line of mature trees which form a backdrop and screen the railway line and countryside beyond. There is also open countryside to the rear of the property. A public footpath runs between No. 30 and No. 32 up to the railway line and then turns north along the side of No. 30 to the countryside beyond.
There are neighbouring properties to the west side and front (south) of the property. The neighbouring properties are largely of a similar scale and design.

Proposal

The proposal is for a two storey and single storey front extension. The two storey element covers the right half of the front elevation and comprises a large utility room at ground floor and a master bedroom at first floor with windows facing across the site, driveway, and down the access road to the west.

There is a single storey extension attached to the southern end of the two storey extension which comprises a garage.

The proposals extend across the access road to the front of the property. There has been some debate between the applicant and a neighbour regarding access rights. Such issues are a matter

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

of land law to be determined by private individuals and not planning considerations.

Relevant Planning History

- **W17430/03** 2 storey addition, garage, (providing utility room and master bedroom) - 30 Brunel Close Micheldever Station Winchester Hampshire SO21 3BX - Application Refused - 30/06/2006
- **W17430/04** 2 storey extension - 30 Brunel Close Micheldever Station Winchester Hampshire SO21 3BX - Application Permitted - 03/10/2006. Permission quashed – Court Order 19/04/2007

Consultations

Engineers: Drainage:

No Objection to the scheme. It is likely the proposals would require an additional soak away. The ground is chalk and most water is absorbed pretty quickly. There are no records of any underground stream or rebuilding of the footpath as a result of flooding once the footpath was completed.

Engineers: Highways:

No Objection subject to conditions (No. 4, 5 and 6)

Environment Agency:

Have no records of any underground stream

Right of Way Officer

The proposal is likely to affect Public Footpath 23 due to its proximity to the development. The Definitive map shows Public Footpath 23 as running north east across the garden of no. 30 Brunel Close, from the plans it is not clear if the proposal interferes directly with this line. An Order has not been made to divert or extinguish this Right of Way.

Representations:

Micheldever Parish Council

Out of keeping with surrounding properties and contrary to SP4 of the VDS

Would result in oversized property for the plot

Would impact on the existing street scene

Inappropriate style of building contrary to SB28 of the VDS

Would detract from the skyline contrary to SB27 of the VDS

Local residents would feel inhibited from walking behind the extension to get to the footpath

2 letters received objecting to the application for the following reasons:

- The amenity of no. 32 will be dramatically compromised.
- No. 30 is on higher ground than No. 32 and will be over bearing. This is compounded by the two horse chestnut trees to the right of the No. 32.
- The first floor west facing window will overlook the rear of No. 32 including the rear windows.
- There will be a loss of light to properties to the West.
- The proposals are an oversized intensification of the application site and will change the character of the Close.
- Not in keeping with the design of the neighbouring sites and will be intrusive.
- The footpath will become an enclosed alley way which may result in anti-social activity which would be detrimental to public amenity.
- The proposed development would result in a loss of a parking space.
- Construction traffic and materials will cause major obstructions.
- There is an underground stream which could be diverted into No. 32 by the digging of foundations.
- If the property is used to house the maximum no. of inhabitants it will put extra pressure on

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

the drainage system.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3

Winchester District Local Plan Review

DP.3

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

Supplementary Planning Guidance

Micheldever Village Design Statement

Planning Considerations

- Principle of Development
- Impact on the character of the area
- Considerations of the VDS
- Residential Amenities
- Comments on representations

Principle of development

The proposal is within the settlement boundary of Micheldever Station where the principle of residential extensions is acceptable.

The scale and design of the proposal is in line with current policy

Impact on character of area

The proposals are at the end of a drive located at the end of a cul-de-sac. The property does not have any direct views from the road until you enter the cul-de-sac however the properties are all currently on approximately the same build line and the area is given an open and natural feel by the views of the trees and hedgerow at the end of the close.

As the property is at the end of the road the officer is satisfied that some development can take place and that it will not set a precedent for further like development. The previous application (06/01775/FUL) was refused for two reasons, one of which was the detrimental effect a large two storey full width extension would have on the character of the area, in that it would block views of the trees and adversely affect the natural open feeling of the area.

The proposed extension is now two storey for only half the depth which will allow views of some of the trees to the rear and will only enclose the footpath for a short distance.

The Parish have raised concerns that the proposals are not in keeping with the rest of the street. Whilst the officer appreciates that many of the properties are similar there are a variety of finishes on the properties and a variety of extensions have been permitted. The officer accepts that this is of a larger scale than most, however the end of cul-de-sac location and the variety in the neighbouring properties will ensure that this proposal will not be out of keeping in the locality.

Considerations of the VDS

The Micheldever Parish Village Design Statement (VDS) was formally adopted in 2002 and covers the Micheldever Station area. The Parish Council have objected to the proposals and have quoted specific policies from the VDS.

SP4 states that 'the relationship of buildings to spaces they occupy should be maintained'. Whilst the VDS does make some reference to the characteristics of Micheldever Station it is focused more on the linear pattern of the main roads and although reference is made to the two culs de sac in the village the focus is on the principal roads. As such there is no guidance on how to interpret this policy. Any extension on a property will alter the relationship of building to space. That aside it is considered that there is still adequate space about the property. The rear garden is maintained as is the space between the property and the neighbour to the west. To the south the gap is closed somewhat however in maintaining a single storey element space is still

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

achieved about the property.

SB27 relates more specifically to the design of extension looking at 'proportions of window to wall' and the 'design of the roof, especially where they impact the street scene'. The design of the proposal is subservient in design, the roof line is dropped and views of the treed backdrop are still partially retained. The windows are considered appropriate in design and will match those on the existing property. On this basis it is not considered that the proposals are contrary to policy SB27 SB28 also relates to extension but relates to the 'character of adjacent frontages'. The extension to the front does differ from the existing buildings in terms of bulk however the building materials will match those on the existing building, the detailed design in terms of windows, roof pitches and other decoration will maintain the existing character and will be in keeping with the property and neighbouring sites.

Residential Amenities

The second reason for refusal of the previous application (06/01775/FUL) was the impact on the neighbouring property to the south of the site. It was considered that the proximity and bulk of a full width, two storey extension would affect the light available to the neighbouring site and be oppressive. In order to address this, the applicants have reduced the height of half of the extension to single storey, which will not be highly visible over the existing wall which marks the boundary of the neighbouring property. Although there will still be a two storey element it will be too far away to be considered overbearing and due to the orientation of the property will not cause any overshadowing.

The only additional first floor window will face down the drive and access road and therefore will not impact on the privacy of the neighbouring properties. To ensure this remains so a condition has been attached to the consent to ensure that no additional windows in the south elevation facing the neighbour's rear garden are inserted.

A recent letter has been received from the solicitor of the owner of the neighbouring property (No. 32) which raises further issues of flooding to the neighbouring property. The officer has informally consulted the Drainage Engineer who is satisfied that the proposals will not worsen any situation with regards to flooding. The area is primarily chalk which absorbs water quickly. Water which falls onto the roof of the proposal will go to soak away and effectively decrease any land runoff from the existing driveway. It is considered that any water which should pass along the footpath will be as the existing situation.

Neither the Council's Drainage Engineer nor the Environment Agency has records of any watercourses in this location.

Other Matters

On the previous 2006 application the Right of Way Officer Commented on the impact of the footpath in its current usable location and raised no objection. The Right of Way Officer has since notified the department that the current footpath, which has been in use for a number of years, has never been formally diverted. The original footpath ran diagonally across the rear garden of No. 30 and does not conflict with the proposals. The established route does not conflict with the footprint of the proposals.

The issue of access rights over the access road to the front of the property is not a matter for planning and does not affect this application.

There are no additional bedrooms as a result of the proposals and therefore it is not considered that there will be any additional pressure on the drainage system.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

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

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3 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 windows other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the south elevation of development hereby permitted.

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

4 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway 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 duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

5 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.

Reason: In the interests of highway safety.

6 The garage and parking area hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the in the interests of local amenity and highway safety.

Informatives:

This permission is granted for the following reasons:

1. 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.

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

Hampshire County Structure Plan Review: UB3
Winchester District Local Plan Proposals: DP.3