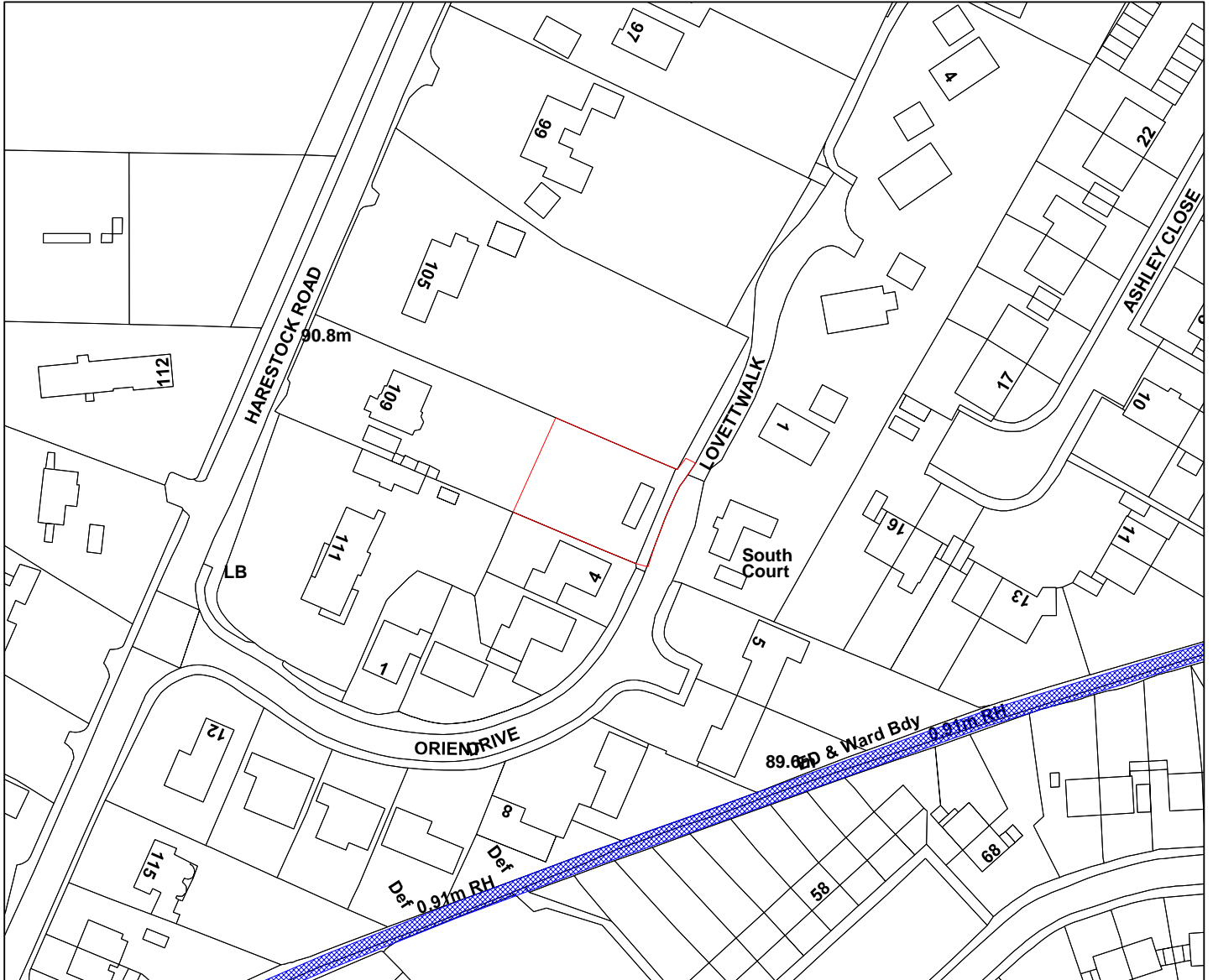


109 Harestock Road, Winchester

10/03250/FUL

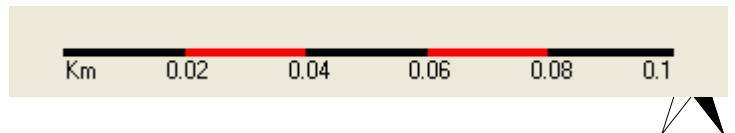


Winchester
City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	06 April 2011
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 2
Case No: 10/03250/FUL / W22085
Proposal Description: 1 no. Semi detached house consisting of 1 no. four bedroom and 1 no. two bedroom dwelling with associated parking to the rear of 109 Harestock Road
Address: 109 Harestock Road Winchester Hampshire SO22 6NY
Parish, or Ward if within Winchester City: Littleton And Harestock
Applicants Name: Mr Andy Salter
Case Officer: Mr Nick Fisher
Date Valid: 23 December 2010

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

This application is reported to Committee because of the number of objections received and (in accordance with the Council's Constitution, Scheme of Delegation to Officers, Head of Planning Management, 1 vi c) because an objection has been received from a Member (Councillor Lipscomb) who has a personal and prejudicial interest in this item.

Site Description

The site is the rear garden area of 109 Harestock Road. This property is served by a large, long thin garden. There is an existing single storey outbuilding (previously used as a coach house) located in close proximity to the road. The garden area is flat and consists of a lawn. Trees and shrubs have been cleared from the site area. The existing boundaries consist of hedgerow, fencing and conifers.

Orient Drive and Lovett walk are located to the south of the site; it is proposed that the development will address these roads. This area is characterised by modern two storey, detached dwellings. The properties have a medium sized footprint and are served by relatively small gardens.

Harestock Road is located to the north of the site, this area is characterised by large dwellings located within relatively large garden areas.

Proposal

It is proposed to erect a two storey building to accommodate a four bedroom dwelling and a smaller two bedroom property. The building faces and will take access from Orient Drive / Lovett Walk. It is proposed that the building will use a red brick, concrete roof tile and UPVC windows.

Parking is to the front of the proposed dwellings. The four bedroom dwelling is served by two parking spaces and an integral garage, the smaller two bedroom house is served by two parking spaces. It is proposed that the central section of the hedge to the front of the site is retained. Both dwellings are served by rear garden areas that are approximately

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10m long. There is approximately a distance of 33m to 109 Harestock Road from the rear of the site

The proposed density is 34.3 dph.

Relevant Planning History

No history on this site.

Relevant History from a site nearby to the north west:-

08/02727/FUL - Erection of 1 no. three bedroom and 1 no. one bedroom semi-detached dwellings on land to the rear of 97 Harestock Road with associated parking/landscaping using existing access to Lovett Walk (RESUBMISSION). Refused 19th March 2009. Dismissed at Appeal 20th January 2010.

10/00947/FUL - Erection of 1 no. three bed dwelling with associated parking, turning and amenity areas. Refused 24th September 2010.

Consultations

Engineers: Drainage: No objection, subject to the use of permeable materials for the driveway and water butts to re-cycle rainwater. (condition 11)

Engineers: Highways: No objection to the proposal (subject to conditions 5,6,7), comments copied below:-

"I have previously considered a proposal for residential development on this site, which was acceptable in principle. Access to the site is to be taken from Orient Drive / Lovett walk, which is adopted public highway. Access to the site is acceptable, and car parking is being provided in accordance with current standards.

The introduction of a further access, which will generate just 1 peak hour traffic movement and approximately 6 daily traffic movements will have no adverse affect to the safe operation of the road. There is no evidence to suggest that a further access will increase speed.

With regard to car parking, the development fully accords with the adopted parking standards for an area of this nature. I note that the existing dwellings in Lovett Walk and Orient Drive all have more than adequate off street car parking, and there is even a large casual car parking bay to the north. There should therefore be no reason for cars from Lovett Walk, or indeed Orient Drive being parked on the highway. Orient Drive is a wide carriageway, with a width of between 5.5m and 6.0m before it pinches down into Lovett Walk. This application includes adequate car parking, so a reason for refusal could not be sustained for a situation which may already exist, where inconsiderate motorists may on occasion block the highway.

I have also been contacted by Cllr Mitchell who has requested that I approach the applicant with a request that the pedestrian footway on the north west side of Orient Drive be extended across the application site frontage. I have put this to the applicant who has refused the request. He considers that it is not necessary, as there is already a footway

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on the opposite side of the road. I tend to agree with the applicant that this is not required as part of this application, and should we insist upon it, and refuse the application in its absence, we would not be able to sustain an objection in an appeal situation.

The application is therefore acceptable from a highway point of view, although if consent is to be granted, the development will need to provide a contribution of £9,202”.

Environmental Health: No objection, subject to a condition regarding contamination (condition 2).

Landscape Trees: No objection subject to conditions regarding tree protection.

HCC Ecology: No objection subject to an informative regarding breeding birds (informative 3).

Southern Water: No objection.

Representations:

Littleton & Harestock Parish Council – Object to the application. Comment copied below:-

‘ The application is for a four bedroom semi-detached property and a two bedroom property occupying approximately one third of the existing plot of 109 Harestock Road. Although both properties are smaller than the present properties in Orient Drive the total footprint and frontage of the building is however greater than that of adjacent properties and will present a considerable visual impact. Therefore *“In terms of design, scale and layout, it does not respond positively to the character, appearance and variety of the local environment”* DP3 (ii)’

The vehicle access to plot 2 is considered inadequate and will result in vehicles mounting the opposite pavement on exiting. Residents have expressed concern that with only minimal parking provision, cars will be parked in the Lovett Walk lay-by, restricting access. Lovett Walk is used as the extension of a pathway for pedestrians from the surrounding area. If parking spills out into Lovett Walk / Orient Drive the extra vehicle movements could cause danger to people walking through as well as reduce the parking facilities for the current residents. This goes against Policy DP3(vii) *“Does not have an unacceptable adverse impact on adjoining land, uses or property.”*

There is no footpath provision on the Orient Drive aspect, an existing hedge that fronts the plot is to be retained instead. Pedestrian access to plot2 will be via the road. This is considered dangerous and unacceptable particularly as it is opposite the pinch point of Orient Drive / Lovett Walk.

The Council would also refer you to the Appeal Decision Ref APP/L1765/A/09/2113108 for 97 Harestock Road ref 08/02727/FUL. Para 3 states that ‘the proposal would take a substantial portion of the garden of the host dwelling and, although the area to the rear of the Harestock Road dwellings would be sufficient, the introduction of development into the generous rear garden of the Harestock Road dwellings would change the character of the area to the rear of the Harestock Road dwellings, producing a more congested environment’. Para 7 states ‘the demand for visitors and trades-peoples parking and

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possibly second cars at the properties would probably give rise from time to time to some parking and turning on Lovett Walk associated with the new dwellings; whilst this would not present a road safety hazard, it would add to the impression of more congested surroundings and cause inconvenience to the negotiation of this narrow road'. These comments are as relevant for Orient Drive as they were for Lovett Walk. The Council therefore requests that you refuse the application.

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

- It is considered that the proposed erection of a pair of semi detached buildings is out of character with the appearance of the area and type of dwellings in the area;
- The design and access statement contains inaccurate information;
- The proposal will set a precedent for further development within the road;
- The development is not a continuation of the existing string of development, this is because Orient Drive was built all at one time;
- The refusal of previous applications and appeals within the area is a strong material planning consideration;
- Extra vehicle movements will occur from the development this will harm the safety of pedestrians and children playing in the area;
- Retaining the hedge will block the view of the owners of the properties when they exit;
- There is insufficient parking provision and garaging to serve the two dwellings;
- The location of the two proposed access points will make it difficult to enter and exit a nearby driveway;
- Highways aspects present a threat to safety of drivers, cyclists and walkers using the shared space of Lovett Walk/entering and leaving the cul-de-sac via Orient Walk.
- There is an existing problem in the area with parked vehicles narrowing the road and making it difficult to pass along Orient Drive and Lovett Walk.
- Southern Water have stated that there is no means to attach to surface water sewers, there is concern that soakaways may not be sufficient to cope with surface water.
- The construction process will cause disruption to local occupants.
- There has been a change in Government policy and there is emphasis to end garden grabbing and give greater weight to local public opinion.

Relevant Planning Policy:

South East Plan 2009: CC6

Winchester District Local Plan Review: DP1, DP3, DP4, DP9, H3, H7, RT4, T1,T2,T3,T4,

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 13 Transport

PPG 17 Planning for Open Space, Sport and Recreation

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Planning Considerations

Principle of development

The principle of development is acceptable, the site is located in a settlement boundary where there is a presumption in favour of new development subject to the proposal according with policy DP3 and H7 of the WDLPR.

It is considered that the proposal accords with policies DP3 and H7 of the Winchester District Local Plan Review. The proposal is considered to make effective use of the site whilst avoiding a cramped form of development. The proposed building is considered to respond well to the residential character of the area and it will not appear to be excessively prominent.

The applicant has indicated his intention to enter into a legal agreement to make contributions toward Hampshire County Councils Transport Improvement Scheme and Winchester City Council's Public Open Space scheme, as required by policies DP9 and RT4. The contribution towards Hampshire County Councils Transport fund will be spent within Winchester.

The Highway Officer has carefully examined the scheme and considers that it is acceptable and accords with the adopted policies of the Local Plan.

The proposal has been reviewed by Hampshire County Councils Ecologist and it is considered that the erection of two dwellings at the site will not harm biodiversity or wildlife.

The Council has refused an application (and won a subsequent appeal) to erect two dwellings within the rear garden of 97 Harestock Road located to the north west of the site. The Council has also refused the erection of one dwelling at the site. Whilst the appeal decision is a material consideration, it is considered that the proposal subject to this application is significantly different from the refused schemes. This is because this application proposes a building that is of a more traditional / conventional design, that will relate well to the existing residential area, the proposed building is located over 30m from the rear of 109 Harestock Road, the layout incorporates reasonable distances to the side boundaries and the proposed built form follows the pattern of development established by 3 and 4 Orient Drive. Whilst the design of the proposed dwellings is different from numbers 3 and 4, it is the case that the dwelling opposite to the site and those to the north west located upon Lovett Walk are noticeably different when compared to the appearance of dwellings within Lovett Walk.

Design/layout

The design and appearance of the proposed development is considered to be acceptable. Whilst the design of the new building is different from the appearance of the dwellings located with Orient Drive, it is the case that a two storey building of a conventional residential appearance is appropriate to the locality. It is also the case that the dwelling opposite the site (South Cott) is different in terms of size and appearance from the dwellings within Orient Drive. The proposal involves the removal of an existing redundant outbuilding which is in a poor condition and it is considered that the replacement building will not harm or significantly alter the existing character of the area.

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The proposed building has been designed so that it appears that the main two storey element of the building is symmetrical and that plot one has a subservient side addition that incorporates a garage and accommodation at first floor level. This results in a building that does not appear to be overly bulky or of an inappropriate scale.

The proposed building will use a red brick and a concrete roof tile. The neighbouring dwellings within the area use similar roof tiles and it is considered that within this context the use of concrete tile is acceptable.

The use of a conventional layout that incorporates a parking area to the front of the dwellings and a garden to the rear is considered to be acceptable within the context of the area. It is considered that the location of the building 2m behind the front elevation of no 4 Orient Drive is acceptable and should ensure that the building does not appear to be excessively prominent within the street-scene when compared to no's 3 and 4 Orient Drive.

The gap of 2m to the open garden of no 105 Harestock Road and 2m to the boundary with 4 Orient Drive are both sufficient to ensure that the development does not appear to be cramped within the site. It is also considered that the distance of 4m to the side of elevation no 4 Orient Drive provided a clear visual break between buildings.

The rear elevation of the proposed building is over 30m from the rear elevation of no109 Harestock Road and this is sufficient to ensure that the pair of semi-detached dwellings will not appear to be cramped in relation to 109 Harestock Road or harm the residential amenity of the occupants of this property.

Impact on character of area and neighbouring property

The proposal is not considered to have a detrimental impact upon the appearance or the character of the area or harm the appearance of the street-scene or likely to appear overly prominent, this is because the proposed building is set back by 8.4m from the carriageway, the building is of a conventional two storey height and the building is well designed.

The proposal will not result in a significant detrimental impact upon the amenity of the occupants of nearby dwellings. The retention of the existing trees upon the boundary with 109 Harestock Road and the size of the retained garden serving this property will ensure that the amenity of the occupants of this property is not significantly harmed.

The proposed dwellings will give rise to oblique overlooking upon the rear garden areas of 4 Orient Drive and the bottom section of the garden serving 109 Harestock Road, however this situation is acceptable given the angle, distances involved and urban location. It should be borne in mind that oblique overlooking is common within urban areas.

The front windows serving the proposed dwellings will overlook the front of South Cott, which is located opposite the site. This is considered to be acceptable because front gardens are not considered to be private areas and they are generally used for the parking and turning of vehicles, this would not therefore warrant a reason for refusal.

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Landscape/Trees

The Tree Officer has reviewed the development and raised no objection. It is the case that trees and bushes have been cleared from the site, however the retention of existing trees upon the boundary with the 109 Harestock Road is considered to be acceptable.

The proposed retention of the hedge at the front of the site and planting of a Maple tree is welcomed and will help to soften the appearance of the proposed built form.

Highways/Parking

The Highway Officer has reviewed the proposal and has raised no objection to the application. The levels of parking provision (two external spaces per dwelling) are acceptable. The creation of two new access points to serve the dwellings is acceptable and they do not pose a threat to the safety of pedestrians or motorists.

There is local concern that the access serving plot two is in close proximity to the pinch point in the road, however this is not considered to pose a threat to highway safety. There is also local concern that the pavement in front of no 4 Orient Drive should be extended to include land in front of the site. It is considered that due to the quiet nature of the road, existence of a pavement opposite the site and shared surface along Lovett Walk, that an additional small stretch of pavement is not required in this instance.

With regard to the appeal decision for the development of land to the rear of 97 Harestock Road the Inspector considered that the proposed erection of two dwellings would bring changes to the status of Lovett Walk as a quiet cul-de-sac and whilst not harmful to road safety it would add to the impression of a more congested surroundings and cause inconvenience to the negotiation of this narrow road. With regard to the current proposal, it is considered that the application will not harm the character of the quiet cul-de-sac because it is located over 50m away from the site, Also visitors to the site are not required to negotiate Lovett Walk (which is a narrow road) to gain access to the site.

Other Matters

The use of permeable surfaces for the hard standing areas should ensure that surface water run off does not become a serious problem. (condition 11)

Conclusion

The site is located in an existing urban area where there is a presumption in favour of new development. The proposal will not result in a cramped form of development and will not harm the existing residential appearance and character of the area and is therefore considered to comply with policy DP3. The proposal contains adequate parking provision and the two additional accesses onto the highway will not harm road safety.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for Public Open Space and Hampshire County Councils Transport fund the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary;

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relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

Application Permitted subject to:-

(i) the securing by appropriate legal agreement (the terms of which are to be approved by the Head of Legal Services) or direct payment, of the following provisions under Section 106 of the Town and Country Planning Act, and any other relevant provisions as set out below:

A) A Public Open Space contribution of £4,798.00 towards sports provision and children's play facilities.

B) A contribution of £9,202 towards Hampshire County Councils' Transport Infrastructure Improvement Scheme.

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

the following condition(s):

Conditions/Reasons

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

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

2 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

3 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings and hardstanding areas 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.

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

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4 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 dormer windows within the roof or windows within the side elevations at first floor level of higher other than those expressly authorised by this permission shall, at any time, be constructed in the dwellings hereby permitted.

Reason: In the interests of residential and visual amenity.

5 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.

6 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.

7 The parking area including the garage shall be provided in accordance with the approved plans before the dwellings are 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 houses as private residences.

Reason: To ensure the permanent availability of parking for the dwellings.

8 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference AIA/AMS-KC/109HARE/001 written by Kevin Cloud of Technical Arboriculture and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with AIA/AMS-KC/109HARE/001. Telephone 01962 848403.

The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848403.

No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement AIA/AMS-KC/109HARE/001 .

Any deviation from works prescribed or methods agreed in accordance with Method Statement AIA/AMS-KC/109HARE/001 shall be agreed in writing to the Local Planning Authority.

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Reasons for above conditions: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

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9 No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reasons: To ensure protection and long term viability of retained trees and to minimise impact of construction activity

10 Prior to the commencement of development, information shall be submitted to and approved in writing by the Local Planning Authority that shows a ground protection zone for the Holly tree (G02) located on the boundary. The approved details shall be fully adhered to unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity

11 Permeable materials shall be used for all hardstanding areas including the driveways. The development shall use a rainwater harvesting system (water butts) to re-use rainwater.

Reason: In the interests of sustainable development and to reduce surface water run off.

12 The boundary fencing for the side boundary with 105 Harestock Road shall consist of a post and rail fence that shall not exceed 1.50m, unless otherwise agreed in writing by the Local Planning Authority. A post and rail fence shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing hedge upon the side boundary in the interest of visual and residential amenity.

13 The Maple tree shown on the proposed layout shall be planted before the development is first occupied. Should the tree become diseased or be removed it shall be replaced by another tree within the next planting season, unless otherwise agreed in writing by the Local Planning Authority. The hedge shown to be retained at the front of the site shall not be removed or reduced below 1.50m without the prior written consent of the Local Planning Authority.

Reason: To ensure a high standard of development and to respect the existing spatial characteristics of the area and soften the built form on the site.

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Informatives

1. 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.

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

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP9, H3, H7, RT4, T1, T2, T3, T4.

South East Plan 2009: CC6

3. Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

4. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6. A formal application for connection to the public sewerage system is required in order to service this development. The applicant should contact Southern Water.

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