

27 Greenacres Drive, Otterbourne

11/02302/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	24 November 2011
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 10
Case No: 11/02302/FUL / W14112/02
Proposal Description: (HOUSEHOLDER) Extension to rear garden and construction of raised decking area (RETROSPECTIVE)

Address: 27 Greenacres Drive Otterbourne Winchester SO21 2HE
Parish, or Ward if within Winchester City: Otterbourne
Applicants Name: Mr Jeremy Daoud
Case Officer: Miss Megan Birkett
Date Valid: 29 September 2011
Site Factors: Development boundary of Otterbourne

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Otterbourne Parish Council, whose request is appended in full to this report.

Site Description

Detached two storey dwelling located within the Cul-de-Sac of Greenacres Drive in the development boundary of Otterbourne.

The property has a side and rear garden area. The side garden shares its boundary with an area of woodland and agricultural fields to the east. The rear garden backs onto a stream, which then backs onto dwellings to the south on another part of Greenacres Drive.

There is no boundary treatment to the rear part of the garden, which is open to the stream with two decking areas one at either corner of the garden.

Proposal

This is a retrospective application for two areas of decking located in both corners of the rear garden.

Relevant Planning History

None relevant

Consultations

Environment Agency:
No objections to this planning application

Representations:

Otterbourne Parish Council – Objection for the following reasons:

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- There has been extensive removal of vegetation along the bank to the stream which has been replaced with some planting and stones, but it has not been tested by the stream flow, which can rise by 2ft. It appears as if the bank from no. 27 has been extended into the river which could cause disruption to the flow.
- The decking is currently strong; however this might fall into the stream and cause an obstruction.
- None of the neighbours to the rear have been notified and the management company has not been informed.
- The rear fence of the property has been removed and it appears that the boundary under ownership has been extended.

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

- The proposal would impact on the privacy of no. 39 Greenacres Drive.
- Concerns for the flooding issues that might be caused by the proposed development.
- The development is not in character with the surrounding area and has an overbearing effect on surrounding properties.

Reasons aside not material to planning and therefore not addressed in this report

- This would affect the sale of the neighbouring properties.

Relevant Planning Policy:

South East Plan 2009:

CC6

Winchester District Local Plan Review

DP3

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 25 Development and flood risk

Planning Considerations

Principle of development

This application is for two decking areas located along the rear boundary of the rear garden of this dwelling.

This application requires planning permission under Schedule 2, Part 1, Class E of the General Permitted Development Order 2008 as it proposes the development within the curtilage of a dwelling house of a structure incidental to the enjoyment of the dwelling house that includes the construction of a raised platform.

This application site is located within the development boundary of Otterbourne where the principle of works within the residential curtilage of properties is acceptable subject to the conforming to the criteria in Local Plan Policy DP.3.

The rear garden of this dwelling is located with flood zones 2 and 3, however the Environment Agency have no objections to the proposed development.

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Impact on character of area and neighbouring property

The proposal is located to the rear of the garden area of no.27 Greenacres Drive. The two decking areas are level with the existing ground level of the rear garden and this creates a step down to the edge of the river bank below, which is at a lower level by approx. 700mm.

The decking areas cannot be viewed from any public view points from the south and east due to dense vegetation along the eastern side boundary.

The proposed decking area is considered acceptable in relation to the character of the surrounding area and forms part of the existing residential curtilage of this dwelling and therefore would not appear incongruous in this location.

Although it is acknowledged that the proposed decking areas can be viewed, through the gaps in vegetation from the neighbouring properties to the rear (no.37, 39 and 41 Greenacres Drive), it is considered that this would not result in an unacceptable level of overlooking that would warrant the refusal of this application. In this instance it is appropriate to consider the applicants 'fall back' position. The applicant did not require planning permission to remove the fence along the rear boundary of this property. Given this, there is already an opportunity for overlooking from the rear garden of the application site to the properties 37, 39 and 41 Greenacres Drive. The rear boundary to these dwellings comprises of post and wire fencing with a mixed hedgerow. There are gaps in this hedgerow. It is not considered that this level of inter overlooking between the rear gardens is sufficient to justify a reason for refusal. It would be possible for the occupiers of 37, 39 and 41 to alter their boundary treatment to afford greater privacy.

The decking area extends slightly closer towards the neighbouring garden than the existing lawn; however it is virtually level with the lawn in the rear garden of no.27 Greenacres Drive. Therefore it is considered that the decking would not result in any further significant overlooking than would be possible from the existing rear garden of this dwelling.

Other

Representations have been received from the neighbouring property, 39 Greenacres Drive, however further neighbour notifications have been sent to the neighbouring properties, no. 37, 39 and 41 Greenacres Drive. The expiry date for comments is 07/12/11. Any further representations will be reported to the update sheet.

The applicant has signed certificate A which certifies that they are the owner of the land within the red line as marked on the site plan.

Recommendation

Application Permitted

Conditions – none

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Informatives:

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.

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

Winchester District Local Plan Review 2006: DP3

South East Plan 2009: CC6

Please return this form to the Case Officer, Miss Megan Birkett.

From: Otterbourne Parish

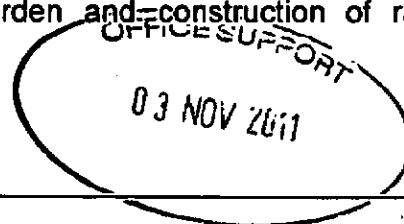
Case No: 11/02302/FUL

Closing Date for comments:

8 November 2011

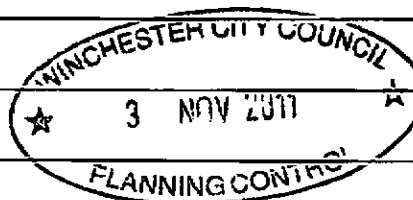
Location: 27 Greenacres Drive Otterbourne Winchester SO21 2HE

Proposal: (HOUSEHOLDER) Extension to rear garden and construction of raised decking area (RETROSPECTIVE)



Comments:

Otterbourne Parish Council OBJECTS to this application. Reasons as attached.



Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Management if this section completed)

Should the Case Officer be minded to recommend approval then the Parish Council requests the application is heard by Planning Committee

Signed: Julie Ayre

Date: 31.10.11

Response from Otterbourne Parish Council to WCC

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27 Greenacres Drive Otterbourne - retrospective planning application

This Culvert is subject of a Management Company - Greenacres Drive Management Company comprising nos. 35-41 odd and 16-30 even Greenacres Drive, which was given responsibility for maintenance of the culvert at part of the WCC Planning Committee Decisions for approval of the site's development.

Any absorption of any part of this culvert into one of the gardens along its length and the subsequent acquired ownership rights will make it very difficult to administer the culvert if anything goes wrong in the future.

Width of culvert is a cause for concern - The new work at 27 has removed extensive vegetation that helped secure the bank of the stream. Although this has been replaced by some stones and new planting, this has not been tested by the stream flow which at times can rise to at least two feet in depth. Looking at the plans and pictures supplied it appears no 27's garden bank has been enlarged into the stream with stone restricting the potential flow capacity of the culvert which could cause a potential flooding risk for the area.

The structures supporting the new decking may be substantial at present but if in time this erodes and then collapsed into the stream a serious blockage would be caused.

Publication of Notice has not been given to houses directly affected by the proposal ie those whose properties back on to No 27 across the culvert. Most importantly, no-one in the Greenacres Management Company has received notification. The first it was known to them was when Otterbourne Parish Council canvased comments from the relevant residences.

Enlargement of Garden - The rear fence which previously defined the extent of the back garden of no 27 has been removed, potentially extending land ownership into the stream.

It would also appear the owner of no 27 has adopted land to the east of the rear of their property, which was understood to be in the ownership of Winchester Council under Land Registry Title HP515611. This may not be a matter of this planning application but should be checked by the Council to determine who owns this land.

Otterbourne Parish Council are very concerned by this development because of the potential for a flooding risk in the area, all culverts should be as clear as possible to reduce this risk and be controlled by the Management Company into whose name WCC gave responsibility.

Enclosed are various documents from WCC Planning, WCC Legal, Otterbourne Parish Council and local residents relating to the initial requirement for the culvert and concerns about its ongoing maintenance.

