

41 Hatherley Road, SO22 6RR



Winchester
City Council

14/01214/FUL



Legend

Scale: 0 0.01 0.02 0.04 KM

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Organisation	Winchester City Council
Department	Winchester GIS
Comments	Not Set
Date	06/08/2014
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WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 3
Case No: 14/01214/FUL / W05347/02
Proposal Description: (HOUSEHOLDER) Single storey side and rear extension following removal of existing detached garage (RESUBMISSION)
Address: 41 Hatherley Road Winchester Hampshire SO22 6RR
Parish, or Ward if within Winchester City: St Paul
Applicants Name: Mr Martin Howell
Case Officer: Lewis Oliver
Date Valid: 6 June 2014
Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Councillor Tod, whose request is appended in full to this report

This application is a resubmission for a previously refused application for the erection of a single storey side and rear extension (14/00486/FUL), which was refused due to the impact it would have on the amenities of the dwelling to the east called "Symonds View". It was refused for the following reason:-

The proposed development by virtue of its size, height, siting and design would result in an unacceptable overbearing form of development that would be un-neighbourly and detrimental to the amenities of the adjoining property of Symonds View and its primary amenity area. The proposal is therefore contrary to the NPPF and Policy DP3 of the Winchester District Local Plan Review 2006.

This application seeks to overcome the reasons for refusal, by moving the development away from the boundary with Symonds View by between 0.3m and 0.48m and reducing the height of the extension by 0.2m. The parapet wall adjacent to the boundary, which would have a height of 3 metres, with the development running along the general length of the existing garage. A smaller single storey side extension is proposed in front of the garage, which would be adjacent to the driveway of Symonds View, this element would be set back from the boundary by 0.9m.

Site Description

41 Hatherley Road is a semi detached property located within the built up area of Winchester. The site is in a slightly elevated position from Hatherley Road and levels within the site rise to the rear boundary adjacent to the playing fields. The property benefits from a detached single storey garage to the rear with access along the eastern boundary to the side of the existing dwelling. The side boundary is defined by a 1.8 metre high closed board fence.

To the east of the site is a recently constructed development of two new dwellings, they broadly sits in line with the rear elevation of the application site, and sit at a lower level, in addition the immediate new neighbour at Symonds View has a sunken patio area, which is

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approximately 1.5 metres lower than the original ground level of the site.

Proposal

The proposal involves the removal of the existing single storey detached garage, and the erection of a side and rear extension, which would replace the existing garage.

Relevant Planning History

14/00486/FUL - (HOUSEHOLDER) Single storey side and rear extension – Refused 17.04.2014 for the following reason:

History for neighbouring site:

12/01260/FUL - Erection of 4 no.dwellings; 1 no.house and 3 no.flats with associated parking and landscaping (RESUBMISSION) – Permitted by Planning Committee on 23.08.2012.

Consultations

None

Representations:

City of Winchester Trust: No comment

Councillor Martin Todd: The critical issue for decision here is the impact of the proposed design on the neighbouring property of Symonds View. Previously the application was refused for its overbearing impact – and I am concerned that there has not yet been sufficient improvement with the latest design. The decision of the Committee to allow Symonds View to go ahead with a sunken patio behind the house neighbouring the area of the proposed extension means that the height of the proposed extension has a disproportionate effect on the neighbours. If there were no sunken patio, I would fully support the application.

5 letters received objecting to the application from 4 properties for the following reasons:

- Overbearing impact
- Adverse impact on the character and appearance of the area
- Loss of light

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

- The applicants have not consulted the neighbours before submitting the application

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6 letters of support received.

- The proposal would be in keeping with the character and appearance of the area and would remove an unsightly garage.

Relevant Planning Policy:

Winchester District Local Plan Review
DP3, DP4

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA1

National Planning Policy Guidance/Statements:
National Planning Policy Framework – Paragraph 61

Planning Considerations

Principle of development

The principle of extension to existing dwellings within the settlement boundary is acceptable in principle subject to an assessment of design, impact on the character and appearance of the area and neighbouring properties in accordance with policy DP3 (ii) and DP4 (iv) of the Winchester District Local Plan 2006 this is considered below.

Impact on character of area and neighbouring property

The proposed development, whilst it would be visible in the street scene, is considered to be acceptable by virtue of being single storey in nature, set back from the front elevation in combination with its design and size and so will be acceptable in its context.

The immediate neighbouring property to the east is Symonds View, which has been recently constructed and sits at a lower level than the application site.

The existing garage is located immediately adjacent to the boundary with the eaves height being 2 metres at this point, which is currently visible over the 1.8 metres closed boarded fence. The roof of the garage then rises to a central ridge line, which measures 2.8 metres in height.

The proposed development has been amended since the previously refused application and now the main element of the proposal is set back between 0.3m and 0.475m from the boundary with Symonds View and has been reduced in height by 0.2m which would give it a height of approximately 2.9 metres in height.

This application would result in an increase in height of the development at the point of the side wall facing the neighbouring property of approximately 0.9m (approx. 1.1m above the fence line) for the entire length of this element of this proposal along the boundary, which is 7.1 metres.

The occupiers of Symonds View have a patio area immediately adjacent to the rear elevation of this property, which has been excavated and is approximately 1.5 metres below ground level. The rear extension is proposed to be built at the same level as the

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existing garage, and the strip of land between the extension and the boundary retained at the same level. Therefore when viewed from the patio area of Symonds View, the extension would be approximately 4.4 metres higher.

The amendments in this application, with the extension being set back from the boundary and the slight reduction in height are considered on balance to overcome the previous reason for refusal. Whilst the development will be visible from the patio area of Symonds View, the gap and reduction in height and having regard to the existing garage is not considered to have an overbearing impact on the amenities of Symonds View when using the patio area to justify the refusal of the application on this issue.

To the rear of Symonds View the dwelling has a single kitchen door, which opens on the patio area. The proposal is likely to result in the loss of some limited light entering the kitchen through this door. However there are other windows which serves the kitchen and it is not therefore considered that the proposal would result in an unacceptable loss of light that would warrant the refusal of this application.

A window (likely to be obscure glazed to serve a toilet) and door are proposed in the side (eastern) elevation, these openings would be screened from the occupiers of Symonds View by the existing boundary fence. However given the close proximity to the boundary, and that in the event the fence was removed, it is considered appropriate to require the glazing in these openings to be fitted with obscure glass in order to protect the amenities of Symonds View, (condition 4).

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.

1 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 be those as detailed in section 11 (materials) of the associated application forms.

2 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 or doors other than those expressly authorised by this permission shall, at any time, be constructed in the east (side) elevation of extension hereby permitted.

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

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4 The door and window hereby permitted in the east (side elevation) shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, unless otherwise agreed in writing by the Local Planning Authority, and the glazing shall thereafter be retained in this condition at all times

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

Informatives:

1 In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance pre-application advice was given.

2 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.

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

Winchester District Local Plan Review 2006: DP3.

4 All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5 During Construction, 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.

[REDACTED]

From: Tod, Cllr M <martin.tod@hants.gov.uk>
Sent: 26 June 2014 12:30
To: Planning Mailbox Account
Cc: Robert Hutchison; Lucille Thompson; Lucille Thompson
Subject: Ref:14/01214/FUL - FAO Lewis Oliver

Re: 14/01214/FUL, I don't think the application in its current form adequately addresses the concerns raised in the previous application (14/00486/FUL) about the overbearing impact of the proposed design on Symonds View. This is a particular issue given the sunken patio at the back of Symonds View which the proposed wall nearest the boundary would directly impact.

My understanding from talking to residents is also that there could have been better pre-consultation with neighbours. I am sure that genuine consultation would make it possible to achieve a solution that is satisfactory to both parties in this case.

On these grounds, I object to the proposed application in its current form and - in the event that the planning officer does not recommend refusal of this application - would request that it is taken to Committee.

Regards,

Martin Tod

Cllr Martin Tod
City Councillor, St Paul, Winchester City Council County Councillor, Winchester Westgate, Hampshire County Council
[REDACTED] - martin.tod@hants.gov.uk

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