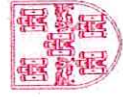
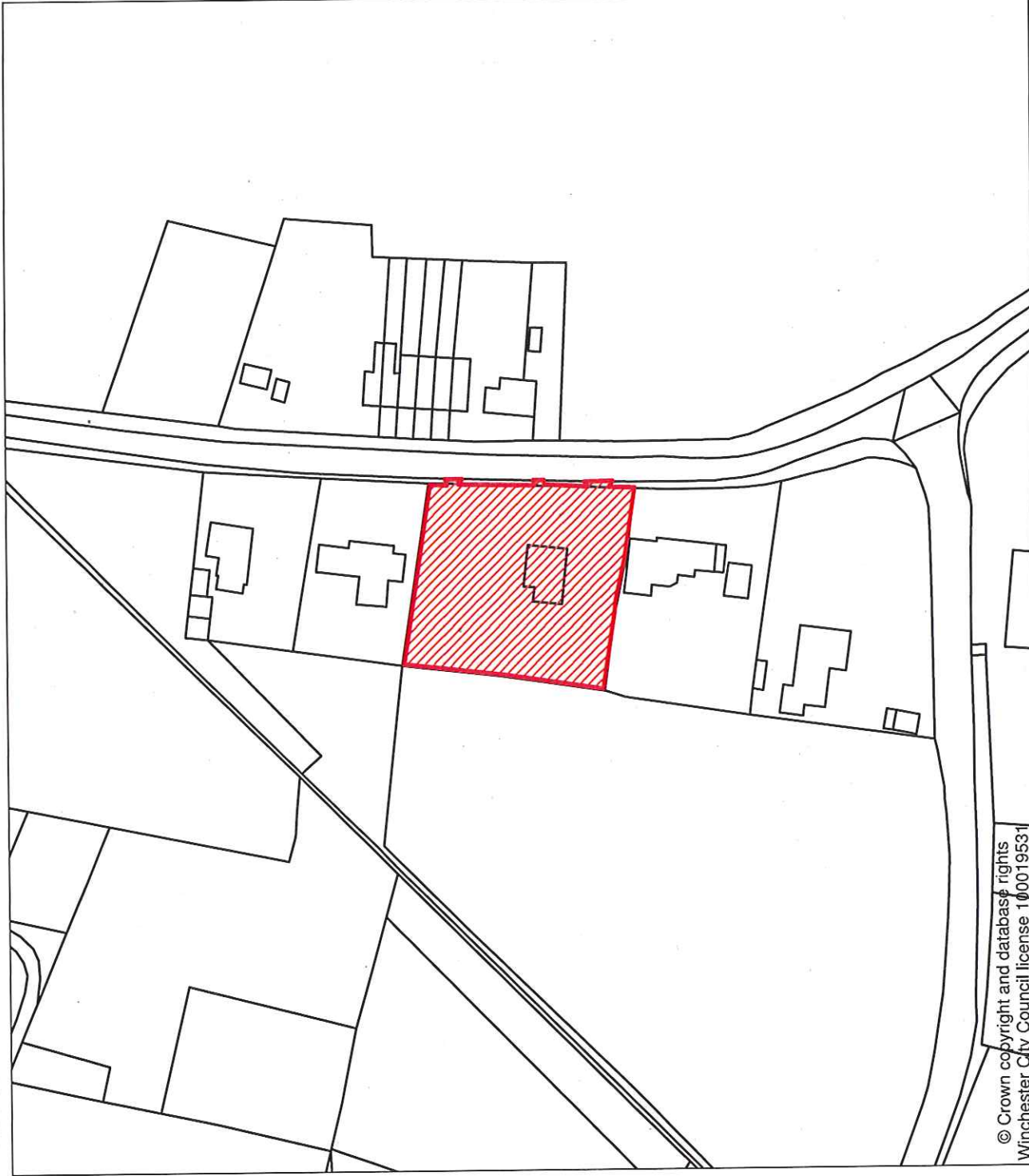


Well Cottage, Mincingfield Lane, Durley, Southampton, SO32 2BR.

16/00940/FUL



Winchester
City Council



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	08/07/2016
MSA Number	^MSA Number

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Item No: 05
Case No: 16/00940/FUL
Proposal Description: Proposed demolition of existing garage and erection of detached dwelling
Address: Well Cottage, Mincingfield Lane, Durley, Hants, SO32 2BR
Parish, or Ward if within Winchester City: Durley
Applicants Name: Mr and Mrs B.A. Smith
Case Officer: Mr Richard Palmer
Date Valid: 29th April 2016
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received including Durley Parish Council.

Amended plans are expected which omits a Juliet balcony for a standard window in the rear elevation of the proposed dwelling which is fixed at the lower level.

Site Description

Well Cottage is centrally located within a line of 5 detached dwellings on the western side of Mincingfield Lane and to the north of Gregory Lane. To the eastern side there is a group of 6 terrace housing. Well Cottages dates from circa 1920's and is a detached bungalow located within a large and particularly wide plot located between a detached bungalow (Anona) and a modern (Circa 1980's) house (The Meadows). The garden is mature, with substantial hedges around its four boundaries which currently offer a high level of screening to the site.

Proposal

The proposal is to retain the existing dwelling, whilst demolishing the detached garage (used as a studio) to the north, and replace with a detached two storey dwelling house. Access will be via an existing entrance onto the lane. Turning space will be provided on site for cars. An existing extant planning permission for a detached garage to the front (east side), will be completed. Well Cottage will be served by a existing separate access onto the lane and a detached garage to the south of the plot.

Relevant Planning History

15/02973/FUL - Proposed Double Garage (option 2) on submitted plans . Approved 27.01.16;

15/00945/FUL - Two storey extension and alterations/extension of existing garage to provide first floor accommodation over. Approved 02.07.16 – *Two storey extension not built*

12/02491/FUL - Two storey rear extension (Alterations to Planning permission 12/00929/FUL) – *Not built*

12/00929/FUL – Two storey rear extension; alterations and detached double garage Approved 21.05.12 – *Two storey extension not built*

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Consultations

Engineers: Drainage:

No objections (subject to informatives)

Engineers: Highways:

No objections. This proposal does not contain any significant highway issues and is unlikely to impact on highway safety. No objections, subject to condition on car parking.

Southern Water:

No objections (subject to informatives)

Representations:

Durley Parish Council

- Objection – This property has had many extensions over recent years and the original site is now over-developed. Durley has no housing allocation and it was felt that if there were to be additional development in Durley, residents would like to have a consultation process on where they would like to see additional development and have clear public support via the MTR3 policy. If this application were allowed then many properties in Durley could do the same as this would set a precedent. The plans do not appear to show correct garden plans for neighbouring properties, the proposed dwelling is back from the original building line, the proposed balcony will over-look the neighbouring property – especially as neighbouring extension are single storey. Durley does not have an infill policy and if this policy were used then it would set a precedent for other properties.

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

- Incorrect plans - (Block plan does not show the extent of Anona's rear garden);
- The new dwelling will lead to overlooking (particularly from the proposed balcony);
- Concerns that the boundary hedges will be removed;
- This is not affordable housing;
- It will overlook the Terrace housing opposite;
- The comparison to the approved extension to the side of Well cottage is irrelevant;
- The dwelling would result in overlooking and overbearing towards neighbours; .
- The dwelling is too large and is out of keeping with its surroundings.
- The loss of this space will change the rural character of this part of the lane;
- There has not been a loss of gap between 'The Meadows' and Well Cottage as all development is original;
- The fact that other dwellings in other villages have been approved is irrelevant to this case;
- Being 18ft away from the side boundary, it will destroy the feeling of space and lead to a cramped form of development;
- Any loss of hedges will impact on wildlife habitat;
- The two driveways that have been built are inappropriate to the rural character;
- This part of Durley has a unique character which should be preserved;
- It will lead to a precedent for future housing development.

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Relevant Planning Policy:

Winchester District Local Plan Review 2006

DP3, DP4, DP5, T2, T4

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA3, CP2, CP3, CP11, CP13

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places

Planning Considerations

Principle of development

The application site is located within Durley, which has no clearly defined settlement boundary. Policy MRTA3 of the JCS 2013 provides a presumption in favour of residential development and infilling subject to an assessment of the proposal having regard to other development control criteria as set out below. The key element of MRTA3 aims to allow infilling development *'where this would not involve the loss of important gaps between developed areas'*.

The Government has announced (March 2015) updates to its policy on housing standards and zero carbon homes. These affect the Council's implementation of Policy CP11 of the adopted Local Plan Part 1. While policy CP11 remains part of the Development Plan and the Council still aspires to achieve its standards for residential development (Code for Sustainable Homes Level 5 for energy and Level 4 for water), Government advice now sets a maximum standard of 110litres/day for water efficiency and the equivalent of Code Level 4 for energy. Therefore, for applications determined after 26 March 2015, Local Plan policy CP11 will be applied in compliance with the maximum standards set out in Government advice. As such given that this application proposes to meet these targets, this development is considered acceptable and complies with the current policy position on CfSH. Conditions 7 and 8 is proposed in order to secure these sustainability levels.

On Wednesday 11th May 2016, the Court of Appeal allowed the Secretary of State's appeal, against the High Courts decision, in July 2015, to quash the government's guidance with regard to offering support for small scale developers. This support introduced a threshold beneath which affordable housing contributions or tariff-style contributions should not be sought, the threshold being developments of ten units or less in urban areas, 5 or more in defined rural areas, including National Parks and which have a maximum combined floor space of no more than 1,000 square metres. Following the Court of Appeal's decision, the Government updated paragraph 031 of the National Planning Practice Guidance on Thursday 19th May and is therefore relevant to the consideration of current planning applications. Given this change in government guidance, and that this proposal does not breach this threshold, a financial contribution towards Affordable Housing therefore is not required in this case.

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Design/layout and impact on streetscene and neighbours

Policy MTRA3 of the LPP1 states that within settlements detailed in the policy (which includes Durley) development which consists of infilling of a small site within a continuously developed road frontage, may be supported where this would be of a form compatible with the character of the area and not involve the loss of an important gap between developed areas.

The design of the dwelling has taken account advice provided by the LPA in November 2015 in respect of size, heights, hips and no fenestration at the upper level on the northern elevation facing Anona. The rear elevation will have windows looking westwards down the garden. The previously proposed Juliet balcony on this rear elevation will now be omitted and replaced with a full height windows which is fixed at the lower level.

It is considered that the overall footprint of the proposed dwelling is acceptable in terms of avoiding a cramped and overdeveloped appearance to the site. There will be a 2.7m approx. set in from the side boundary between Well Cottage and Anona and allowing space to retain the well established hedge (mainly laurel). With regards to the front elevation and the appearance from the streetscene it is considered that the design has been improved by lowering the eaves height of the proposed dwelling and utilising a design which incorporated dormers or rooms in the roof, which would be more in keeping with the character and appearance of the neighbouring dwellings.

The overall height of the proposed dwelling has hips and thus the design has been stepped down towards Anona in order to ensure that the new dwelling relates better to its neighbouring properties in terms of height and massing. It is considered that the design, height and massing of the proposed dwelling is appropriate to this locality. Compared to the previously allowed (unbuilt) side extension approved 2015 at about 9.1m above ground level, the proposed dwelling is lower (about 7m agl) and is marginally higher to Well Cottage at about 6.5m agl and Anona at about 6.4m agl. The relief of the land also rises to the north, with Anona being on higher land

A number of objections have been received raising concerns over the proposal being out of keeping with the surrounding area and that it would result in over development of the site. Whilst it is accepted that the proposal would result in an intensification of use of site with an increase of 1 dwelling, the layout and design of the dwelling is such that the development would sit comfortably within the site. Moreover, the low level and hipped roof, with an already approved proposed garage building to its frontage, should ensure the proposed dwelling itself will not be dominant in the streetscene or unduly impact upon the amenities of local residents.

Based upon the above assessment it is considered that the site is capable of accommodating the proposed dwelling without harming the character of the area and would not involve the loss of an important gap between developed areas. As such it is considered that the site would comply with the requirements of Policy MTRA3 of the LPP1.

Policy CP2 requires that the majority of new residential development be formed of 2 or 3 bedroom houses unless local circumstances indicate an alternative approach should be taken. In this instance, the proposed dwelling, which would represent the new development appears to be a 3 bedroom dwelling and as such meet the requirements of

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CP2.

Highways/Parking

A turning area has been provided for the new dwelling to ensure that cars can turn within the site and so enter and leave the highway in forward gear and one of the existing access. Therefore no objections have been raised by the highways officer.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

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

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

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

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

03 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 the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

03 Reason: To ensure the permanent availability of parking for the property.

04 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

04 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

05 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

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05 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

06 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

06 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and hedges.

07 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 side elevation(s) of dwellings hereby permitted.

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

08 No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The landscaping plan shall show all existing hedgerows along the front (east) and side (north) boundaries to be retained and their height to be maintained.

08 Reason: To improve the appearance of the site in the interest of visual amenities and the amenities of neighbours.

09 All landscape works (including the retention of hedgerows) shall be carried out in accordance with the approved details. The works shall be carried out before the dwelling hereby permitted is occupied and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

09 Reason: To maintain the appearance of the site in the interest of visual amenities and the amenities of neighbours

Informatives:

01 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,

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

In this instance the applicant was updated of any issues after the initial site visit.

02. 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.

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

Winchester District Local Plan Review 2006: DP3, DP4, DP5, T2, T4
Local Plan Part 1 - Joint Core Strategy: MTRA3, CP2, CP3, CP11, CP13

04. 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.

05. 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.

06. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website
- www.winchester.gov.uk.

07. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House,

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Sparrowgrove, Otterbourne, Hampshire, SO21 2SW tel 0330 303 0119 or
www.southernwater.co.uk

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

