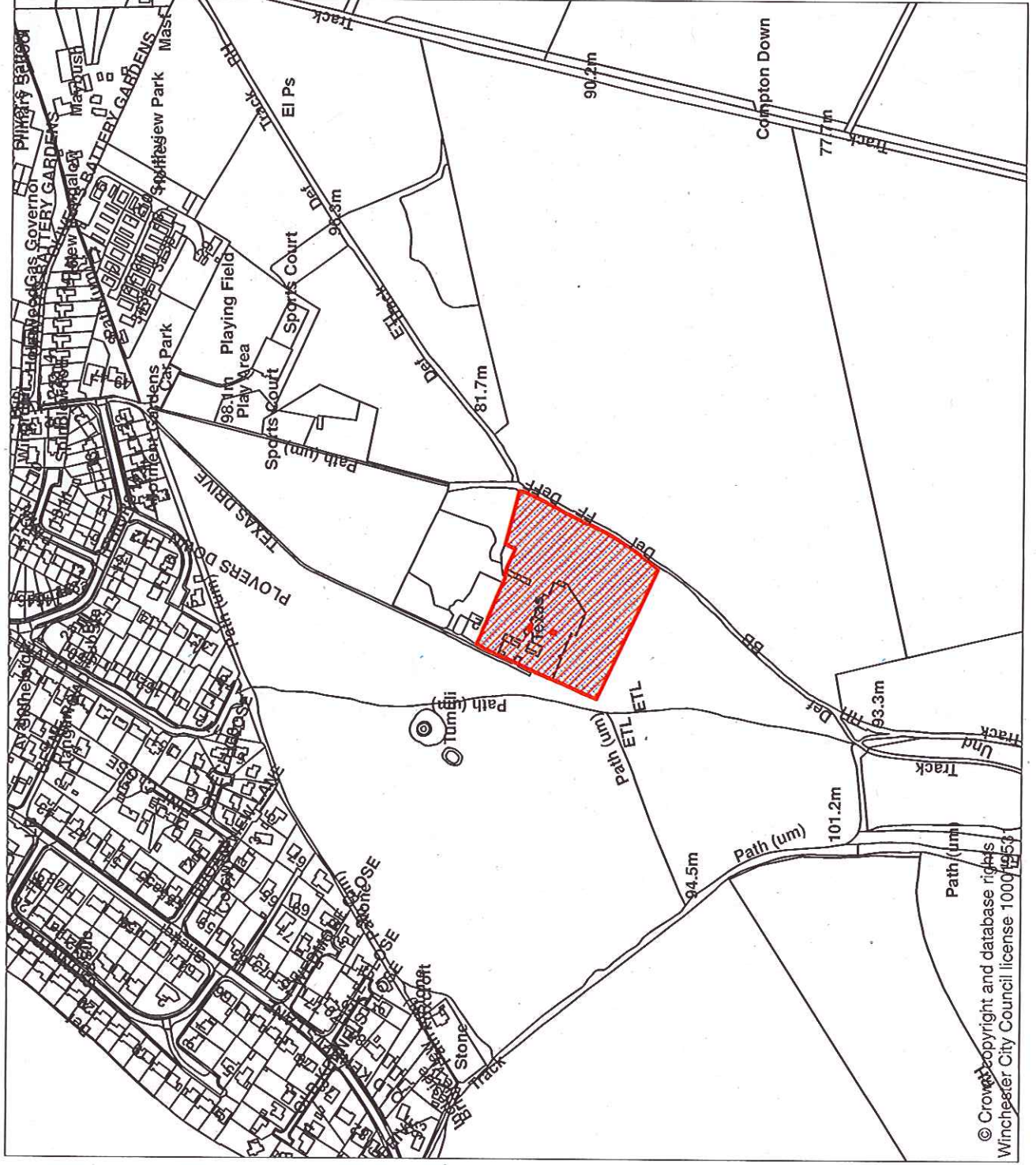


Texas, Texas Drive, Olivers Battery, Winchester, SO22 4HT

17/00126/FUL



Legend

Scale: 0 0.05 0.1 0.2 KM

Organisation	Winchester City Council
Department	Winchester GIS
Comments	1:5000
Date	15/03/2017
PSMA Number	100019531

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Item No: 09
Case No: 17/00126/FUL
Proposal Description: Alterations to extant permission under planning application ref: 16/00320/FUL: Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage.
Address: Texas Texas Drive Olivers Battery SO22 4HT
Parish, or Ward if within Winchester City: Olivers Battery
Applicants Name: Mr Mark Oakley
Case Officer: Mrs Katie Nethersole
Date Valid: 14 January 2017
Site Factors:

Civil Aviation
Overhead Power Line
Southern Water Operational Area
Village Greens and Common Land

Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of letters of support received, contrary to the officer's recommendation

Planning permission was granted under ref 16/00320/FUL which was considered by this committee on 27th October for the demolition of the existing bungalow and outbuildings and the construction of a replacement single storey dwelling with attached garage. This application was taken to committee due to the number of objections that were received.

This application seeks to amend this scheme to convert the garage to additional living accommodation and to construct an attached garage to the west elevation of the dwelling; along with some minor fenestration alterations.

Site Description

The application site is located on the eastern side of Texas Drive outside and to the south west of the settlement boundary of Winchester. The site is within the designated countryside and within the Local Gap. The site is accessed via a single track which also serves one additional dwelling which has been extended. The site previously contained a single storey dwelling with outbuildings which have been demolished. Planning permission was given for a three bedroom dwelling which including the outbuildings measured 308 sq.m in area (gross external area). The proposed changes will result in a total floor area of 488.2 sq m.

There are mature trees in the northern corner and along the north western boundary but the south eastern boundary is more open. These boundaries are important in wider views from the Rights of Way.

Open land separates two Texas Drive properties from the housing (at a higher level to the

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north-west) along the southerly edge of Oliver's Battery, such that they form an isolated pocket of development. The original dwelling had a very low impact but visible in varying degrees from several viewpoints, including from higher levels on Yew Tree Hill; the public footpath along the south-east boundary of the appellant's land; the public footpath along the edge of Oliver's Battery. Views from that edge are identified in the VDS as ones which should not be restricted by changes in land use, such as dense tree planting, in effect to maintain the landscape's open character.

In terms of landscape assessment, the site is within the Hursley Scarplands Landscape Character Area, as defined in the Winchester District Landscape Character Assessment (2003).

Proposal

The proposal is for a detached 4 bed dwelling with integral annex and attached garage. This also includes an external driveway and parking area to the front of the dwelling. The size of the proposed garage is 10.13 metres in width and 8.09 metres in depth with a height of 2.94 metres.

Relevant Planning History

13/01367/FUL Demolition of existing dwelling and erection of replacement five bedroom dwelling, landscaping and associated works. Refused 28 August 2013.

Refusal reason:

The proposed development would be contrary to policy CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy and saved policies CE2 and CE23 of the Winchester District Local Plan 2006 Review because it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside.

The proposal would also result in development that would physically and visually diminish the Local Gap and thus undermine its function which would be detrimental to the visual amenities and character of the area.

50 Demolition of existing dwelling and erection of replacement 1 no. four bedroom dwelling, landscaping and associated works (RESUBMISSION) refused 16 July 2014.

Refusal reason:

1 The proposed development would be contrary to policy CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy and saved policies CE2 and CE23 of the Winchester District Local Plan 2006 Review because it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside. The proposal would also result in development that would physically and visually diminish the Local Gap and thus undermine its function which would be detrimental to the visual amenities and character of the area.

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2 The proposed development is contrary to saved policy CE23 of the Winchester District Local Plan 2006 Review as it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside.

APP/L1765/A/14/2223749 dismissed due to the significant harm it would cause in terms of character and appearance, and some additional harm in terms of diminishing a local gap, the proposal would conflict with the third, environmental, dimension. 15 December 2014.

16/00320/FUL Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage Permitted 28th October 2016

Consultations

Engineers: Drainage: No objections; previous advice under 16/00320/FUL still stands.

Engineers: Highways: No objections – the proposal does not contain any significant highway issues.

Southern Water: No objections

Representations:

Olivers Battery Parish Council

- Objects to the proposal based on overdevelopment of the site and its sensitive position in the local gap

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

- Impact on the local gap
- Impact on landscape
- Out of character

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

- Conditions on the previous consent have not been complied with

14 letters of support received.

- The site is large and can accommodated additional garage
- Proposed garage would not be visible due to its position on the site

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, DP4, CE23 and CE2

Winchester Local Plan Part 1 – Joint Core Strategy

CP13, CP18, CP20

Winchester Local Plan Part 2 – Development Management and Site Allocations

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DM3, DM14, DM15, DM16, DM17, DM23

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Olivers Battery Village Design Statement 2008

SPD – High Quality Places

Planning Considerations

Principle of development

The site is located within the countryside outside the defined settlement boundary of Winchester and within the Local Gap. The replacement dwelling was originally allowed in principle under Policy CE23 and emerging policy DM3. The permission is extant and the same policies apply therefore the principle of the replacement is not re-examined in this application.

Policy CP18 of the Winchester District Local Plan Part 1 – Joint Core Strategy and saved policy CE2 of the Winchester District Local Plan 2006 Review are also applicable as they consider development within Local Gaps. Policies CE2 and CP18 seek to retain the generally open and undeveloped nature of the defined settlement gap. The policy seeks to restrict development to that which does not physically or visually diminish the defined gaps. Development which would threaten the open and undeveloped character of this area will be resisted and the land should be managed to ensure the long-term retention of its rural character.

Policies DP3 and DM16 and DM17 allows for development that responds positively to the character, appearance and variety of the local environment or unacceptable effects on landscape characteristics. It is considered that the additional footprint and built form would have an adverse impact on the character of the surrounding countryside.

As the site is in a sensitive location policy CP20 applies which seeks to retain local distinctiveness in terms of built form and layout, trees, sense of place and setting. It is considered that an increase in the built form on this site would have a negative and unacceptable impact on the character of the area.

Outside defined settlement boundaries development proposals are permitted provided they do not have an unacceptable effect on the rural character of the area. It is considered that the proposals will have an unacceptable impact on the rural nature of this sensitive site contrary to policy DM23.

Design/layout

The proposal is for additional floor space to provide an annex for the applicant's elderly mother and an attached garage. The approved parking space which was integrated into the footprint of the main dwelling is to be converted to the annex and a larger parking space provided with the addition of an attached garage to the front of the dwelling.

The garage is proposed to be constructed in facing brick with a dark grey horizontal timber clad garage door. The garage is proposed to be positioned to the front (west) of the approved dwelling and access remains the same from Texas Drive with an internal door from the garage through to the utility/plant room.

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As part of this application there are some minor changes to the fenestration and layout of the dwelling as previously approved. There will be a covered porch to the entrance of the dwelling with additional windows to the front elevation to provide light to the proposed annex.

There are also some minor fenestration changes to the north elevation with the removal of the bathroom window, and the large window becoming two smaller windows. The rear (east) elevation will also have some minor alterations to the fenestration with the large window made into two smaller windows and the courtyard windows being reduced in width and made into two smaller openings.

In the original consent the proposed dwelling was positioned approximately 12 metres from the front boundary however works have already commenced on site and the footings are positioned approximately 16 metres from it. Significant earth moving operations have also been undertaken at the site but construction work is currently stopped.

Impact on character of area

The proposed garage would measure 10.27 metres in width and 8.09 metres in depth with a height of 2.94 metres. It would be positioned to the front of the dwelling accessed from the previously consented driveway.

There will be views from the surrounding public rights of way and additional impact on character of the area to a level which does not accord with the requirements of the development plan. The footings and foundations have already been laid setting the house further away from the front boundary than approved in the previous consent. Significant cutting into the site has also been undertaken behind and down from the hedge comprising the front boundary. At the south end (rear of the house) the site has been built up to create a flat level across the plot. The dwelling is now set further down the site towards the open countryside and sensitive viewpoints thus having a greater impact on the character of the area in the very sensitive and flowing landscape.

Historically the previously refused proposals at the site were shown to be cut into the slopes of the site significantly similarly to what has occurred on site in breach of the permission and conditions. They also had a large spread of development across it which contributed to the harm identified by the Local Planning Authority supported by the Planning Inspector. The approved scheme was designed in order to address the specific comments of the Inspector in respect to this impact resulting in a squarer C-shaped footprint enabling the building to sit behind the existing vegetation on the site.

The agreed viewpoints, indicative sections and landscape impact assessment demonstrated that the approved scheme could work contextually with the levels on the site and would be respectful to the sensitive views from the south so that the significant harm previously identified with the earlier schemes would then be reduced to an acceptable level. The mitigating effects of the high quality of design, use of natural materials, minimised form and height and significant new landscaping, form and siting was considered acceptable.

The proposed scheme therefore undermines a number of these key factors including:

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- its siting further down the site encroaching further into the countryside towards the footpaths;
- the increased spread across the site with the extra 10m wide garage;
- change in form of the additional garage element breaking the contained 'C' shaped approved footprint; and
- that it is cut into the site without the levels working with the land which is intrusive within the natural landscape topography and in breach of the condition requiring this to be designed in detail and approved prior to the commencement of development.

The additional footprint and built form of the proposal is therefore considered to have an unacceptable impact on the character of the area and would result in an adverse impact on the local gap.

Impact on neighbouring property

The proposals are not considered to have an impact on any neighbouring properties due to the isolated location of the dwelling and distance from its closest neighbour.

Landscape/Trees

There is existing trees/mature landscaping on the site which is to be retained and provides some screening towards the residential properties on Plovers Down and Olivers Battery Road South; however to the eastern boundary there is more of an open view out to the surrounding countryside.

Highways/Parking

Car parking is proposed to be provided by the attached garage and driveway to the front of the site. The Highways Engineer has advised that the proposal does not give rise to any significant highway issues nor will it impact on highway safety.

Other Matters

Works have started on site to implement the previous consent however these are in breach of the approved plans and pre-commencement conditions. There is an open Enforcement investigation on these breaches and other engineering operations also that have occurred across the whole of the site including very large scale bunds that have been created. Pre commencement details in compliance of landscaping are being chased and the materials condition is also outstanding. The original and current planning applications elevation plans shows a dark grey standing seam zinc roof however the sample submitted was a downgrade of this to a single ply membrane and therefore has been rejected as it does not accord with the approved plans or the high quality places SPD criteria.

Therefore there are significant outstanding matters which need to be resolved to ensure that the current breaches of planning are addressed satisfactorily. This application was not submitted by the applicant specifically to regularise the garage and new siting however there is the potential that it could but in this case the recommendation is to refuse the application. It is considered that the proposals are unacceptable and do not accord with the swathe of landscape and design policies of the development plan.

Conclusion

It is concluded that the revised replacement dwelling and garage proposed will have a higher impact in the countryside than that approved and that due to its increased size,

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much longer elevation and thus spread and lack of regard for the natural topography of the countryside that this harm will be unacceptable.

The committee report of the approved dwelling concluded that the proposal resulted in a level of harm to the character of the area however this level of harm was not considered to be so significant as to warrant refusal given the mitigating factors. Therefore it is considered that to alter any of these factors and to increase the size of the proposal further now results in a level of harm that will be detrimental.

The opportunity has been given to the applicant to find a way to achieve their objective of creating an annex within the footprint of the approved dwelling as it is considered that it can easily accommodate this given its very large size. However this opportunity was not taken up.

Recommendation

Application Refused on the following reasons

Reasons

1 The proposed development would be contrary to policy CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy because the development proposed is in the countryside and would result in increased visual intrusion and harm by reason of its amended scale and size, design and siting. The proposal would also result in development that would physically and visually diminish the Local Gap and thus undermine its function which would be detrimental to the visual amenities and character of the area.

2 The development proposed would be contrary to policy DP3 of the Winchester District Local Plan Review 2006, policy CP20 of Local Plan Part One and DM16, DM17 and DM23 of the emerging Local Plan Part Two, by virtue of its amended scale and size, design and siting which is in a sensitive location and would result in an unacceptable visual impact within the countryside resulting in a level of harm that is detrimental to its character and appearance.

Informatives:

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.

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

Winchester District Local Plan Review 2006: DP3, CE.23

Local Plan Part 1 - Joint Core Strategy: MTRA3, MTRA4, CP18, CP20

Local Plan Part 2 - Development Management and Site Allocations: DM16, DM17, DM23.

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SPD - High Quality Places