

Item No: 01  
Case No: 17/01462/FUL  
Proposal Description: 1 No. Two bed dwelling to rear of existing property  
Address: The Croft 52 Lovedon Lane Kings Worthy SO23 7NS  
Parish, or Ward if within Kings Worthy  
Winchester City:  
Applicants Name: Mr Colin Bennett  
Case Officer: Russell Stock  
Date Valid: 28 July 2017  
Recommendation: Application Permitted



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## **General Comments**

This application is reported to Committee as there have been six objections from neighbouring residents.

## **Site Description**

Lovedon Lane forms a separating boundary between open countryside interspersed with farm buildings to the north east and the large village of Kings Worthy to the west. The site is within the defined settlement boundary of Kings Worthy, in an area which is dominated by residential properties of varying ages, scales and architectural features. Many of the properties along Lovedon Lane, due to the size of the plots have been significantly altered and extended, many making the most of the attractive views over Lovedon Lane to the east. The properties along Lovedon Lane are detached, those along Somerville Road are mainly semi-detached and there is a mix of both on West Field Road. The proposed site currently serves No.52 Lovedon Lane forming the 'bottom end' of the properties garden. There is a shed within a gravelled parking area; there is a greenhouse and a couple of trees within the lawn. The area has a pleasant verdant appearance in a manner that is typical for the urban/rural fringe. The site is accessed along a narrow gravelled track leading from West Field Road, which in itself is accessed from Lovedon Lane. The site is bounded by mature heading of various species and there is fencing in places. Views of the site are limited from the public realm given its location surrounded by numerous other properties.

## **Proposal**

The building is to be timber clad on a brick plinth, the roof will be tiled (concrete is proposed) and the windows are proposed as uPVC. The buildings height is proposed at 6.7m with the eaves at 3.5m. The building will have two floors with the first floor being internally smaller due to the pitched roof. A single dormer will be on the front roof elevation along with a single roof light, a single roof light is proposed on the rear roof elevation. The building has an overall internal floor space of approximately 81sqm, having two bedrooms and bathroom at first floor, a kitchen/diner, lounge and WC on the ground floor. The proposal provides two parking spaces and a turning area utilising the existing access from West Field Road. Two trees within the garden area will need to be removed to enable the development and to provide amenity space. A new boundary will separate the proposed new dwelling with No.52. The building will be located 29.5m from No.52 Lovedon Lane, 28m from No.54, 33m from No.50, 23.5m from No.23a Somerville Road and 40m from No.1 West Field Road.

## **Relevant Planning History**

75/01270/OLD (W/1609) – Erection of dwelling – Refused 18.09.75

90/00217/OLD (W/01609/01) – Detached Bungalow and garage – Refused 12.11.90

## **Consultations**

Drainage – The site is in flood zone 1 so a low risk of flooding. Mains foul is available. Soakaway should meet building regulations. – No objections

Southern Water – No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer. No new soakaways should be located within 5m of a public sewer. All existing infrastructure should be protected during the course of construction works. – No objections

Highways Engineer – This proposal does not contain any significant highway issues and is unlikely to impact on highway safety. – No objections

Tree Officer – Regarding the Horse Chestnut within the proposed garden of the new dwelling, a TPO in this case would not be justified, the tree is not visible from the public realm so its removal would unlikely have a significant effect on the surrounding public visual amenity of the area. So therefore, the trees removal would not be an issue from an arboricultural point of view.

### **Representations:**

Parish Council – No objection

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

- Previous refusals indicate that the site was unsuitable for new residential units
- Overshadowing, overbearing, overlooking
- Drive is unsuitable for increased use
- Drive is unsuitable for emergency access
- Loss of light to outdoor amenity spaces
- West Field Road is unsuitable for construction traffic
- Out of character
- Insufficient amenity space provided
- Loss of trees
- Increase in noise

### **Relevant Planning Policy:**

Winchester District Local Plan Part 1 2013 (LPP1) - DS1, MTRA1 & 2, CP1, CP2, CP11, CP13, CP14, CP16

Winchester District Local Plan Part 2 2017 (LPP2) - DM1, DM2, DM15, DM16, DM17, DM18

High Quality Places Supplementary Planning Document 2015 (HQP)

National Planning Policy Framework 2012 (NPPF)

### **Planning Considerations**

#### Principle of development

The site is located within the defined built up area of Kings Worthy (with the settlement boundary), where the principle of development for housing is considered acceptable in accordance with policies MTRA2 and DM1 of the Winchester District Local Plan Parts 1&2.



The principle of development is therefore acceptable subject to an assessment of usual development management criteria contained in the suite of development plan documents as well as other material planning considerations.

Policy CP2 of the Winchester District Local Plan Part 1 (LPP1) considers housing mix and introduces a more flexible approach to it, moving away from the previous Local Plan requirement for 50% of the dwellings to be 1 or 2 bed. The policy requires that there should be a majority of 2 & 3 bed dwellings, unless local circumstances indicate an alternative approach should be taken. In this instance the proposed unit is a two bed, it is therefore considered that this application accords with this policy requirement although it is recognised that a majority cannot be achieved with a 1 unit scheme.

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. Conditions 4 and 5 are proposed in order to secure these sustainability levels.

CP13 of the LPP1 states that new development is expected to meet the highest standards of design, taking into consideration the context of the site and the surrounding area, makes a positive contribution to the local environment, creating an individual place with a distinct character, well connected to its surroundings and maximise the potential to improve local biodiversity. In this instance the application is considered to accord with the stipulations within this policy, further details in regards to this are set out below.

#### Design/layout

A brief planning statement has been submitted in support of this application, it covers material use, scale, access and parking. Firstly, in regards to materials; brick, render and hanging tiles are all typical of the locality. The proposed use of timber although not widely used in the immediate vicinity on residential dwellings, has been chosen to help soften the buildings appearance within the vegetated area. A timber building (shed), albeit of a lesser scale is already on site and the use of timber is considered appropriate as it is a high quality sustainable material which is appropriate to the sites urban/rural fringe location. Concrete tiles have been proposed and although a number of the existing surrounding properties have utilised this material, a higher quality natural material will be more appropriate for this unique development, and better relate to the timber cladding. Conditions will be added to ensure that these materials are suitable, in accordance with CP13, DM16 and HQP (condition 3). The buildings height has been kept to a minimum (for two floors of accommodation) attempting to avoid impacting upon neighbouring properties; low eaves have also been utilized to reduce neighbour impacts. Parking and turning areas have been provided in accordance with adopted guidance and no objections have been received from the Highways engineer. The new dwelling will utilise the existing access from West Field Road. Although it is possible that this access will see a slight increase in use, it is not considered that there will be material increase in trip generation.



### Impact on character of area

As discussed above views of the site are limited and fleeting from the public realm and as such the proposals impact on the character of the area is modest. Views along the access track will be afforded from West Field Road, from this location it is not considered that the proposed building will adversely affect the character of the area, its scale, use of materials and distance from this view point, help it to visually recede into its surroundings. Views from Lovedon Lane will be briefly afforded between the existing dwellings and again, given its scale, use of materials and location, it is not considered that it will harm the character of the area. Along Lovedon Lane, dwellings to the rear of those fronting the road can be readily seen, and given the disparate nature of the surrounding built environment, in this case these potential glimpses are not considered harmful.

The surrounding area is defined by a varied built arrangement and there has historically been 'infilling' locally. The proposed dwelling would occupy an area that could be described as 'backland' as it is to the rear of all of the surrounding dwellings, within the garden of No.52. Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' These principles are included with policies DM15, 16 and 17 of the LPP2, which have been considered. Given the mixed and varied character of the local environment and that no significant harm has been identified to neighbouring uses, a new dwelling in this location is not deemed automatically inappropriate.

### Impact on neighbouring properties

Policy DM17 of LPP2 states that new development will be permitted when it accords with the development plan if it does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing. The closest dwelling is No.23a Somerville Road at 23.5m, given the proposed siting, fenestration and height of the proposed building; it is not considered that this neighbour will be significantly harmed. There will be no loss of light to its main amenity spaces, the building is directly north of No.23a's vegetable patch and sufficiently separated from other high value amenity spaces. The proposed height, particularly at the boundary is not significant enough to be considered overbearing. The only window facing this property is a rooflight serving a stairway, and as such will not result in any harmful overlooking impacts.

No.1 & 2 West Field Road have long narrow rear gardens, with No.1 adjoining the proposed site. The design has taken into consideration overbearing and loss of light impacts on this neighbours rear garden space by reducing the width of the building at this point, lessening the bulk against the boundary. This coupled with the modest overall height, pitched roof, and the buildings position at the far end of the gardens, it is not considered that these neighbours will be adversely affected by means of overbearing or loss of light from this proposal. A first floor window will look back along the access track and towards No.1, however given the degree of separation and the existing level of screening provided by vegetation, it is not considered to be a adversely harmful to this neighbour.

No.50 Lovedon Lane is approximately 33m from the proposed building, its garden extending to border the site. The rear part of this neighbours garden is well vegetated and



contains a number of outbuildings, a significant hedge provides the boundary treatment. Given the degree of separation, use of the end of the garden, scale of the proposal, existing boundary treatment and proposed level of fenestration, it is not considered that the proposal would have significant adverse impacts upon this neighbouring property. Similarly in regards to neighbouring property No.54, due to the degree of separation, existing boundary treatment, scale of the proposal and the pattern of fenestration, it is not considered that this building will have an adverse impact upon this neighbour.

No.52 will see a reduction in amenity space; however given the size of the plot, sufficient usable private garden space is retained. There are no windows facing east above ground level within the proposed dwelling and as such there will be no overlooking towards this property. Access for No.52 will be solely from Lovedon Lane and there is adequate parking space retained for this property.

#### Landscape/Trees

Originally T1 Chestnut as shown on the submitted site plan had been marked as being retained, however given its proximity and size adjacent to the proposed dwelling, its preservation isn't considered possible. DM17 states that new dwellings should provide sufficient amenity and recreational space for users, this tree would have completely overshadowed a significant portion of the new dwellings outdoor amenity and lounge windows, therefore in order for the proposal to be acceptable its removal is required. Although the loss of this semi-mature tree is somewhat regrettable, it doesn't have any significant amenity value for the surrounding area, where other large trees are present. The Council's Tree Officer has provided comments stating that the loss of this tree is acceptable from an arboricultural point of view. Replacement trees/hedging will be secured by condition 6 in order to ensure that its loss is appropriately mitigated and to ensure that the new development sits comfortably within its surroundings. The existing boundary treatment is proposed to remain as existing which is deemed appropriate, new boundary treatment will be required between the site and No.52 and again these details will be assessed under condition 6.

#### Highways/Parking

The Highways Officer has confirmed that the proposal is acceptable from a highways point of view. Neighbours have raised concerns regarding the access to the site for both construction traffic and the future users. Although the access track is narrow, it has been used by the present occupiers of No.52 for some time without incident. Although there may be a minor increase in trip generation, it is not considered that this would warrant a reason for refusal. West Field Road is a private road; it is outside of planning jurisdiction to insist upon financial contributions for its upkeep, these should be agreed between all those who have rights of access.

#### Drainage/Flooding

The Drainage Engineer has raised no objections to the proposal, neither has Southern Water, an informative will be added at their request.



## **Recommendation**

Application to be permitted subject to the following conditions:

## **Conditions**

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. The development hereby approved shall be carried out in accordance with the following approved plans;

- TDS141/LL6000 A Location and Site Plan
- TDS141/LL6001 Proposed Elevations & Floor Plans

Reason: To ensure the avoidance of doubt and the satisfactory appearance of the development.

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 development hereby permitted including window frames 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.

4. Prior to the commencement of the development hereby permitted excluding works of demolition, detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of 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.

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.

5. Prior to the occupation of the dwelling(s) hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of 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.

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.



6. No development shall take place 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. These details shall include the following;

- planting plans,
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate,
- details of any means of enclosure (fencing/walling, including gate details),

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, (or any order revoking and re-enacting that order, with or without modification), no development permitted by Classes A,B,C,D and E of Part 1 and Class A of Part 2 of Schedule 2 of the order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality, to maintain a good quality environment and to retain the satisfactory appearance of the development.

8. Before the development hereby approved is first brought into use, a minimum of two car parking spaces shall be provided within the curtilage of the site and thereafter maintained and kept available.

Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

#### **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 Part 1 (2013): DS1, MTRA1, MTRA2, CP1, CP2, CP11, CP13, CP14 and CP16

Winchester District Local Plan Part 2 (2017): DM1, DM15, DM16, DM17 and DM18



3. 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 applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice on this please refer the Construction Code of Practice  
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.