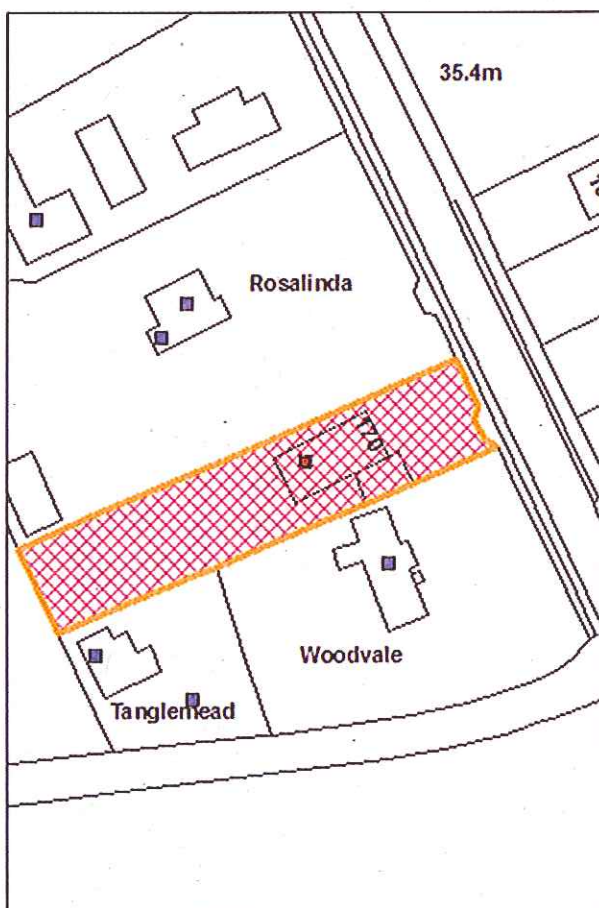


**Item No.** 06  
**Case No:** 17/02063/FUL  
**Proposal Description:** Temporary use of the outbuilding for accommodation during building works to main dwelling  
**Address:** Brown Eaves 170 Main Road Colden Common SO21 1TJ  
**Parish, or Ward if within Winchester City:** Colden Common  
**Applicants Name:** J Ratcliffe  
**Case Officer:** Liz Marsden  
**Date Valid:** 10 August 2017  
**Site Factors:**

Civil Aviation  
CIL Zones for Winchester City Council  
Contaminated Land Consultation

**Recommendation:** Application Permitted



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**Case No:** 17/02063/FUL

## **General Comments**

**Application is reported to Committee due to the number of comments received contrary to officer recommendation.**

The amended plans provide additional information about the accommodation to be provided for the short and long term use of the outbuilding.

The application is a resubmission following the refusal of a previous proposal (17/00598/HOU), for the retention of annexe in rear garden (part retrospective). The primary difference is the provision of additional information which shows the level of accommodation to be provided in the short-term, to enable it to be occupied during the construction of the dwelling and in the long-term, when it is to be used for ancillary purposes in connection with the main dwellinghouse.

## **Site Description**

The site is an area of around 0.13ha, located in the open countryside to the south of Colden Common and to the west of Main Road. It is a level area which, at present contains a dilapidated dwelling (the extension of which is the subject of a separate application), which has been reduced to a single storey by removing the pitched roof and a double garage set between the dwelling and the road. There is also a single-storey building, the subject of this application, located towards the rear boundary. A wooden structure has recently been constructed to the rear of the dwelling.

The area in the immediate vicinity of the site is characterised by detached dwellings of a variety of designs, with those to the east of the road being predominantly single storey. The nearest properties are Woodvale and Tanglemead to the south of the site, both 'chalet' type dwellings with rooms in the roof, and Rosalinda to the north. A single-storey outbuilding of a similar size to this application is located in the grounds of Rosalinda immediate to the north of the site. There is a small industrial estate along Nob's Crook to the south west of the site and a scrap yard located to the west. Despite these features and the busy main road, the area as a whole is rural in character due to the mature trees along the road frontage and to the rear of the site.

## **Proposal**

The proposal is for the short term occupation of the existing building, located to the rear of the garden as temporary accommodation whilst the dwelling is extended and made habitable. The building is of permanent construction with brick wall and a tiled roof and has been internally subdivided into a number of rooms. At the time of the site visit, the building was divided into two halves, each with their own external door, and no connecting doors between them. However, it is proposed to insert a connecting door and one half of the building will be used for storage and the other half for temporary accommodation, including a kitchen area and bathroom, during the period of construction on the dwelling.

In the long-term, once the dwelling is habitable, the kitchen will be removed and the building will revert to ancillary accommodation including storage, office, games room and steam room. The bathroom is to be retained.

The building has a footprint of 108sq.m and a maximum height of 4.1m. It is set 2m from the boundaries to either side (north and south) and 6m from the rear (west) boundary. The nearest neighbouring property is 'Tanglemead' to the south of the site, which has recently been rebuilt, the rear elevation of which is 10.5m from the side of the building. The outbuilding in the grounds of Rosalinda is set about 3.5m away.

The only access to the building is through the garden of Brown Eaves.

### **Relevant Planning History**

17/00597/FUL – Replacement dwelling and annexe – Refused at Committee 28.06.2017 for the following reason:

*'The replacement dwelling proposed is substantially larger than the one it replaces and by reason of its scale, mass and size is contrary to Policy DM16, DM17 and DM23 of Winchester District Local Plan Part 2 and is therefore harmful to the character and appearance of the area.'*

17/00598/HOU – Retention of annexe in rear garden – Refused at Committee 28.06.2017 for the following reason:

*'The annex in the rear garden is tantamount to a new dwelling in the countryside and does not comply with policy MTRA4 of the Winchester District Local Plan Part 1.'*

4/03130/FUL – Demolish existing garage and porch and preplace with two-storey side/front extension and porch; erection of new double garage and replacement of flat roof to existing dormer to south elevation with pitched roof. – Permitted 24.01.2005

### **Consultations**

Engineers: Drainage: Site is in area of clay where relatively high levels of runoff are to be expected, but not in area of designated flood risk and providing adequate soakaways installed, no objection.

### **Representations:**

Colden Common Parish Council

- Objection on the grounds that the building is not a temporary structure and the proposal is tantamount to a new dwelling in the countryside and is contrary to policy.

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

- Overlooking
- No parking for the accommodation whilst building takes place
- Cars already park on the pavement outside the site, blocking pedestrian access
- No justification for a new house in this area which is contrary to policy
- Out of character with the pattern of development in and harmful to the appearance of the area.
- Drainage problems.
- Don't believe that it will be occupied by the owners, but rather the builders, who work at all hours, causing noise and disturbance.

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- Adverse impact on the ecology of the area due to noise and lighting
- Sets a precedent for other similar forms of backland development
- Built without planning permission and therefore unlawful.
- Could be used as rental property in the future
- Lack of conservation surveys despite proximity to ancient woodland

4 letters of support received.

- Better than the temporary siting of a caravan which wouldn't need permission
- Will be good to have the site occupied and improvements made
- Help prevent anti-social behaviour in the area.
- The site is big enough to accommodate the building.

### **Relevant Planning Policy:**

The Winchester District Local Plan Part 1 - The Joint Core Strategy 2013 (LPP1):

DS1: Development Strategy and Principles;  
 CP13: High Quality Design;  
 CP14: The Effective Use of Land;  
 CP20: Heritage and Landscape Character;  
 MTRA 4: Development in the Countryside;

The Winchester District Local Plan Part 2 - Development Management and Site Allocations Development Plan Document (LPP2):

DM1: Location of New Development;  
 DM14: Local Distinctiveness;  
 DM15: Site Design Criteria;  
 DM16: Site Development Principles;  
 DM22: Rural character;

Supplementary Planning Documents:

Winchester District High Quality Places SPD, 2015;  
 Colden Common Village Design Statement;

### **Planning Considerations**

#### Principle of development

The application is retrospective to the extent that the building has already been constructed and therefore, whilst it is necessary to consider whether a structure of this size would have been acceptable in this location, the primary consideration is that of its use, both in the short and long term.

The building is located in the garden of a dwelling, which although currently unoccupied and dilapidated, establishes the residential use of the site. The provision of outbuildings within the curtilage of dwellings is generally acceptable where those buildings are used for purposes incidental to the use of the dwelling. In addition, the provision of temporary on-site accommodation, usually in the form of a mobile home, does not require planning permission.

In this case, it appears that there has been some confusion in the advice that has been provided to the applicant, or that advice given was misinterpreted, and it was thought by the applicant that it would be possible to construct an outbuilding under permitted development which could then be used as accommodation during the reconstruction of the main house. To this end, the outbuilding was constructed to be habitable, with internal subdivision, plumbing and wiring that would enable the provision of bathrooms and kitchen areas.

However, notwithstanding the marginal discrepancy in the scale of the building, which means that the ridge height is 0.1m above the maximum allowed by the General Permitted Development Order 2015 (GPDO), the provision of primary living accommodation in the building, means that the building requires consent. In the assessment of the proposal, it is considered to be advisable to keep in mind the provisions of the GPDO, which are relevant in that they provide a benchmark for the size of structure that could be constructed without planning permission.

#### Design/layout

Although a sizeable structure, with a footprint of 108sq.m, the building is set in a large garden and is not considered to result in excessive site coverage or amount to the 50% of the total area of the site that is permitted by the GPDO. In fact, excluding the area of the dwellinghouse as proposed to be extended, the total built footprint, including the double garage, the outbuilding and a recently constructed wooden shed, amounts to around 15% of the curtilage.

The building is set towards the rear of the garden and has been set 2m away from the side boundaries and 6m from the rear boundary. It is a well-constructed building of brick, with a pitched tiled roof and the doors and windows are double-glazed. It is domestic in appearance, both externally and, at the time of the site visit, internally due to the level of subdivision and provision of defined kitchen and bathroom areas. The duplication of these features together with external doors, provide an overall impression of a modest pair of semi-detached bungalows. However, notwithstanding the appearance of the building, there is no guidance or policy that requires outbuildings to be of a particular design and, providing that the use of the building does not conflict with adopted policies and it is not considered that a reason for refusal could be sustained on this basis.

Whilst the building is, with the addition of the facilities for which provision has been made, clearly capable of being occupied as an independent unit of residential accommodation, there is no evidence to suggest that this will be the case on a long-term basis. The applicant has submitted plans which show how the building will be used in the long term and the facilities provided, including storage, office and games room are all the type of uses that could be expected in domestic outbuildings. The plans show the retention of a bathroom which, whilst less usual, is not unexpected, particularly where the building is used as a home office.

#### Impact on character of area

The location and height of the building is such that it is not unduly apparent from public vantage points. There are limited views of the upper part of the gable end from Nobs Crook to the south, where it is seen above the boundary fences of Tanglemead, but the site backs on to a wooded area, which restricts any longer views from the west. The distance from Main Road to the frontage of the site and the position of the house, ensure that it is not visible from this direction. It is not therefore considered that the building has

an adverse impact on the character and appearance of the area.

#### Impact on neighbour amenity

The nearest residential property is the recently constructed dwelling to the south of the site 'Tanglemead', the rear elevation of which is around 10.5m away from the side of the building. There is a close board fence with a trellis above, along the northern boundary of Tanglemead which screens the majority of the building from ground level. Therefore, whilst it is recognised that the building is visible, it is not considered that it is unduly intrusive in or detrimental to the outlook from that property. It should also be noted that, if the building was 10cm less in overall height, it would fall within permitted development tolerances.

With regard to the use of the temporary use of the building as residential accommodation, it is not considered that this would result in any additional noise and disturbance than if a mobile home was placed on site during the construction period. If anything the more solid construction of the building would be likely to ensure that there is less noise disturbance than would be the case with a more temporary structure. The single storey nature of the building will ensure that there is no loss of privacy due to overlooking. It would not therefore be possible to sustain a reason for refusal on the basis of loss of residential amenity to the neighbouring properties.

In the long term, the building is to revert to uses incidental to the enjoyment of the dwelling and whilst there may be occasions when these cause disturbance, as with any outbuilding in any other domestic curtilage, this is not a planning reason for refusal. There are other forms of regulation that protect residents from anti-social behaviour.

#### Highways/Parking

In the short term there is sufficient space on the site for parking of cars associated with the temporary residential occupation of the outbuilding. In the long term, the building is proposed for ancillary uses to the main house and will not generate the requirement for additional parking spaces. There is no vehicular access to the rear of the garden where the building is located.

Drainage. Concern has been raised that the construction of the building has resulted in increased runoff that is causing a problem waterlogging in the adjoining garden to the south. The Council drainage engineer has commented that the clay ground in the area has historically caused problems with runoff water and there are a number of reasons why flooding can occur, including the blocking of ditches in the vicinity of the site. It has been confirmed by the applicant that the building, including appropriate soakaways, was constructed in accordance with the relevant building regulations and that approval was obtained for it.

#### Conclusion

The application seeks to retain a building which, in terms of its size and scale, is very close to that which could be constructed within the curtilage of a dwelling without the requirement for planning permission. Its use in the short term for temporary living accommodation is not considered to be unreasonable and the long term use proposed would be acceptable as incidental to the use of the dwelling. It is possible to ensure, through the use of conditions, that a separate unit of residential accommodation is not created and the proposal is not therefore contrary to policy.

## **Recommendation**

Application Permitted subject to the following condition(s):

### **Conditions**

1. The proposed occupation of the building as living accommodation shall be for a limited period of two years from the date of this consent, or upon first occupation of the main dwelling (Brown Eaves), whichever is the sooner.

Reason. The site is located in the open countryside where the permanent retention of an additional residential unit would be contrary to policy.

2. The accommodation to be provided within the outbuilding during its temporary residential use shall be as shown in the submitted plan ref. 051017 1A3.

Reason: The accommodation to be provided should reflect the minimum that would be required to provide a habitable unit for a short term period.

3. Subsequent to the completion of the building works and occupation of the main dwelling (Brown Eaves) on the site, the kitchen area shall be removed and the internal arrangement of the building shall be altered in accordance with submitted plan ref. 041017 1A3. The building shall be used solely for purposes incidental to the occupation and enjoyment of the existing property as a dwelling (known as: Brown Eaves, 170 Main Road, Colden Common, SO21 1TJ) and shall not be occupied as an independent unit of residential accommodation or for any business uses other than by the occupants of Brown Eaves.

Reason: The use of this accommodation as an independent unit would be contrary to Policy.

4. The development shall be carried out in accordance with the following approved plans:

051017 1A3. – internal layout of building during temporary residential use  
041017 1A3. – internal layout of building during long term use.

### **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, working with applicants and agents to achieve the best solution. To this end WCC:
  - offer a pre-application advice service and,
  - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA4, CP13, CP14, CP17, CP20,  
Local Plan Part 2 – Development Management and Site Allocations: DM1, DM3,  
DM14, DM15, DM16, DM17, DM22

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

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.