

Planning (Viewing) Sub Committee – 26 September 2016

Report Extract from Planning Committee 15 September 2016

Item No: 4
Case No: 16/01218/FUL
Proposal Description: Demolition of Existing House and Garage and construction of New House and Garage
Address: The Anchorage Northbrook Micheldever Winchester Hampshire
Parish, or Ward if within Winchester City: Micheldever
Applicants Name: Mr H Browning
Case Officer: Lewis Oliver
Date Valid: 13 June 2016
Site Factors:

Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

Amended plans have been received which has relocated the garage to the northern part of the proposal. In addition the height of the dwelling has been reduced throughout by 0.3m.

Site Description

The Anchorage is located on the eastern side of Church Street within a cluster of predominantly residential properties located to the north of the village of Micheldever. The cluster is separated from the main body of the village by open agricultural fields. It is also located outside the defined settlement boundaries.

The site is rectangular shaped with a road frontage of about 24 metres, a depth of about 40 metres and covers an area of 0.1 hectares (0.3 acres). The existing property on the site is a single-storey, brick built house set back from the road.

The property which has a narrow frontage extends some distance into the site, and provides approximately 170 square metres of residential floorspace. An access drive into the site runs parallel with the southern boundary of the site with a detached single storey garage/ outbuilding building against the boundary.

To the north is a single storey dwelling set in a similar sized plot while to the south and adjoining the site is a recently constructed two-storey detached house. To the rear and east of the site is open countryside. The boundaries of the site are defined by timber post and rail fencing with little planting.

Proposal

This application proposes to demolish the existing bungalow and garage and construct a two storey 6 bed dwelling with accommodation in the roof. The new front elevation would be on the line of the existing house and the garage would be in approximately the same position as the existing one.

The new dwelling would be approximately 14 metres in width, 9.3m in depth, 8.7 metres in height to the ridge and 5 metres to the eaves of the dwelling. The attached garage set slightly back from the front elevation on the northern elevation would be 7.4m in width, 5.8m in depth and 4.8 m in height to the ridge. The materials and detailing are proposed to be clay plain tiled roof, painted timber fenestration deeply set into the brick walls and metal rainwater goods.

Relevant Planning History

None

Consultations

Ecology: No Objection subject to informative 1

Engineers: Highways: No Objection subject to conditions 10 and 11

Engineers: Drainage: No Objection subject to condition 12

Southern Water: No Objection

Representations:

Amended plans

Micheldever Parish Council: Objects:

- This six bedroom house would contravene CE23 of the WDLPR 2006 and DM3 of WDLP Part 2 2015. The P.C. also object on the basis that it does not meet the requirement as stated in the 'Village Design Statement' that this type of application 'should be in harmony with the local context'.

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

- The amendments do not address concerns regarding the application being contrary to policy CE23 and DM3 of LPP2 in that it results in the loss of a small dwelling
- The development would by virtue of its size, scale and massing would have a significant adverse impact on the character and appearance of the area contrary to the Micheldever Village Design Statement
- The design is out of keeping with the area, which is defined by bungalows and two storey buildings
- Adverse impact on the amenities of neighbouring properties

Original Plans:

Micheldever Parish Council: Objects:

- The development is contrary to policy CE23, which results in the loss of a small dwelling, the attached outbuildings cannot be counted as part of the size calculation as they are not living space
- Out of keeping with the character and appearance of the area contrary to the VDS

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

- Contrary to policy CE23 and DM3 as results in the loss of a small dwelling
- Out of keeping with the character and appearance of the area, which is defined by either two storey dwellings or bungalows
- Adverse impact on the amenities of neighbouring properties

1 letter of support received.

- The design plans, appears to be sympathetic to neighbouring properties and the general design of the village itself.

Relevant Planning Policy:

The development plan in this case comprises the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1), the saved policies of the Winchester District Local Plan 2006 Review (WDLPR), the emerging Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2) which has now been through its examination in public.

Winchester District Local Plan Review

CE23, DP3 and DP4

Winchester Local Plan Part 1 – Joint Core Strategy

MTRA1, CP11, CP13 and CP16

Winchester Local Plan Part 2: Development Management and Site Allocations

DM1, DM3, DM4, DM5, DM14, DM15, DM16, DM17, DM23

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

Micheldever Village Design Statement

High Quality Places

Planning Considerations

Principle of development

The property is located within the cluster of dwellings known as Northbrook, a small settlement with no defined settlement boundary to the north of Micheldever village.

Therefore policy CE.23 of the Winchester District Local Plan Review 2006 would normally apply. Policy CE23 of WDLPR 2006 provides that an extension to a residential dwelling in the countryside is acceptable, provided that:

- i) it does not significantly change the character of the existing dwelling, or result in increased visual intrusion, by increased size and/or unsympathetic design; and,
- ii) it would not reduce the stock of small (1 or 2 bedroom) or more affordable dwellings in the countryside.

Policy DM3 in LPP2 continues to support the retention of smaller dwellings with evidence supplied in the most recent Strategic Housing Market Assessment (SHMA) suggesting this deficit continues. There was no objection to the principle of continuing to restrict the scale of extensions through the consultation therefore this policy carries significant weight in decision making.

The design and visual impact of the proposal are discussed in detail under 'Impact on character of area'.

The existing dwelling provides a gross floor area of approximately 170 square metres and so is not classified as a 'Small dwelling'. This calculation takes into account the rear extension, which is used as storage area. It is noted that concerns have been raised as to whether this extension should be included, the supporting text of paragraph 6.2.17 of policy DM3, outlines that if the original size of the dwelling cannot be confirmed, a judgement based on the best available evidence at the time of the application. As such it is considered that in this instance there are a range of issues which need to be carefully considered due to the particular context of this site and its location, and the particulars of the proposal, for the reasons set out below.

Firstly, although the property is not within a settlement with a defined boundary, it is clearly, set amongst a number of other dwellings to the north, south and west where new development for housing is, in principle, supported under policy MTRA3 of LPP1. This therefore sets the context that this site is not situated within the open countryside

Secondly, whilst all applications are assessed on their own merits, it is considered appropriate to note that several other properties in the vicinity have also been extended extensively. Furthermore, some flexibility has been given to the assessment of other applications where CE.23 applies within the district, in part due to their location within a built up area rather than open countryside.

Finally, the proposal is of a design and scale such that the proposal will not result in a significant harmful level of visual intrusion within the countryside, as will be discussed in more detail below under 'Impact on character of area and neighbouring property'.

In this case therefore it is considered that the proposal is acceptable having regard to all the material planning considerations.

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 x and x have been recommended to ensure that these standards are met.

Design/layout

The Micheldever Village Design Statement refers to the area being characterised by open space around and between buildings and notes that development should respond to the lower density characteristic of the area. The proposal retains the existing building line of the current bungalow.

It is acknowledged that the proposed layout would differ from other plots in the immediate vicinity. However, the pattern of existing development further around the area is different in terms of the arrangement and size of plots. The proposed layout is therefore not considered to cause significant harm to the character of the area in this respect, given that there is no distinctive rhythm to the layout of existing development when looking around the area. The proposal is considered to provide sufficient space about the proposed building, so as to avoid the application site becoming cramped.

Impact on character of area

The area is characterised by a mixture of detached single storey, chalet style and two storey dwellings, which have a variety of designs within the immediate vicinity of the application site. This application has amended the proposal as described in the general comments section.

The public vantage point would be from Church Street, with the site being most visible when approaching from the north and immediately in front of the site. When approaching from the south the development would be partially screened from the neighbouring garage and surrounding vegetation. It is acknowledged that this property would be a different design and scale to surrounding properties, however it is considered that the simple hipped roof design, and use of high quality materials and detailing throughout are of the local vernacular with clay plain tiled roof, painted timber fenestration deeply set into the brick walls and metal rainwater goods, would help integrate the development into the surrounding area. This is further aided through the amendments to this application, which has reduced the height of the building and included some proposed landscaping, covered by condition 6, on the front boundary, which were to address concerns raised on the original application.

The proposed street scene demonstrates that the development would not be one of the tallest buildings in the area, which help understand the context of the area. Overall it is considered that the amendments contained within this application, and taking the application as a whole, that the development would not have a significant adverse impact on the character and appearance of the immediate and surrounding area, and would not be intrusive in the street scene to justify a reason for refusal on this issue.

Impact on amenities of neighbouring properties

As outlined above this application has amended the garage element to be on the northern part of the building. This results in the main element being approximately 9m from the boundary with the neighbouring property of Owers to the north and 13.4m to the property itself. The proposed garage would be located 1.8m to the boundary with Owers and 6.2m to the property itself. It is considered that given these amendments that the development would not have a significant adverse impact on the amenities of this property with regard to loss of sunlight/daylight or overbearing impact.

Concerns have been raised by the neighbouring property to the south Northbrook Meads, the proposal is located to the north of this property, and does not project beyond the rear elevation of the neighbouring property. Therefore given the layout and positioning of the dwelling it is not considered to have a significant adverse impact on the amenities of this property with regard to loss of sunlight/daylight or overbearing impact.

The majority of the windows proposed are located on the front and rear elevations, which would respectively look towards the road and rear of the garden. The applicant has agreed to obscure glaze the rear dormer windows above the garage, which serve a bath and dressing room, this is covered by condition 4. Furthermore ground floor windows on the southern elevation, which serves a playroom and drawing room are to obscure glazed, along with a condition to restrict any further openings on the north and south elevations.

Highways/Parking

The Council's Highway Engineer has raised no objections to the scheme, subject to recommended conditions 10- 11. The proposal would utilise the existing access to the site, which is considered acceptable as it provides adequate visibility and manoeuvrability for this scale of development. It is therefore considered that the limited increase in traffic would not have an adverse impact on highway or pedestrian safety to justify refusal.

Impact on Ecology

Ecological bat surveys have been undertaken to assess the potential impacts of the proposals to demolish a bungalow and associated outbuildings and replace with a new residential dwelling.

Based on the Winchester Bat Consultancy Bat Survey Report Phase 1 & 2 The Anchorage, Northbrook, Winchester Hampshire, SO21 3AJ Surveys conducted May, June and July 2016, there are no objections on ecological grounds subject to the recommendations within this report being adhered to. There are four bat species roosting and four bat access points, and all will be lost as part of the proposals so therefore a European Protected Species Mitigation (EPSM) license will be required from Natural England prior to commencement. Based on the mitigation plan put forward in section 5.4, as well as the timetable of works within appendix 11, it is considered that Natural England should grant a license and is therefore considered an acceptable approach to follow, informative 1 has been added to address this.

Drainage

The Council's Drainage Engineer has raised no objection to the scheme, as well as Southern Water. Condition 12 is proposed in order that full details of how the development would be connect to public foul and sewerage disposal have been submitted to and approved in writing by the Local Planning Authority,

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

03 Reason: Any works to the scheme need to be carefully controlled given the proximity to the immediate neighbouring properties. In addition the scheme is in a highly visible location and any alterations to the roof would need to be controlled.

04 The windows of the development hereby permitted at the first floor in the garage on the east (rear) elevation and the ground floor windows on the southern (side) elevation shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4, and the glazing shall thereafter be retained in this condition at all times.

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

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order, with or without modification), no windows at first floor, other than those expressly authorised by this permission shall, at any time, be constructed in the development hereby permitted.

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

06 No development shall take place until full 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:

- Proposed finished levels or contours, in comparison to existing ground levels, including

the damp proof course and ground floor of the proposed buildings, and the relationship to the levels of adjacent buildings, together with contours to be formed and earthworks to be undertaken;

- All boundary treatment;
- Hard surfacing materials;
- Minor artefacts and structures (refuse or other storage units, signs and lighting etc);

Soft landscaping works shall include:

- planting plans (for new trees, hedges and other planting);
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- implementation programme.

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

07 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

08 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.

08 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.

09 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.

09 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.

10 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted and

approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleared sufficiently to prevent mud being carried onto the highway.

10 Reason: In the interests of highway safety.

11 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

11 Reason: In the interests of highway safety.

12 Detailed proposals for the disposal of foul and surface water, notably the capacities of the existing soakaway and septic tank/discharge field, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development can begin.

12 Reason: To ensure satisfactory provision of foul and surface water drainage.

13 The development hereby permitted shall be carried out in accordance with the following plans:

3856/2A

3856/5A

3856/6A

3856/7A

13 Reason: In the interests of proper planning.

Informatives:

A European Protected Species Licence pertaining to bats will be required from Natural England prior to the start of development or any preparatory works likely to impact upon them. Failure to secure the licences beforehand may lead to prosecution.

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 the applicant was updated of any issues during the course of the application.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, CP2, CP3, CP11, CP13, CP14, CP16, CP21

Winchester District Local Plan Review 2006: DP3, DP4, H3, T2, T4

Winchester Local Plan Part 2: Development Management and Site Allocations DM1, DM3, DM4, DM5, DM14, DM15, DM16, DM17, DM23

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.

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.

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.

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.

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>

Planning (Viewing) Sub Committee – Monday 26 September 2016

Extract from Update Sheet – 15 September 2016

Item No	Ref No	Address	Recommendation
4	16/01218/FUL	The Anchorage, Northbrook, Micheldever, Winchester	Permitted
Agenda Page: 37			
Officer Presenting: Lewis Oliver			
<u>Public Speaking</u>			
Objector: Mr Neal			
Parish Council representative: John Botham			
Ward Councillor: Cllr Caroline Horrill			
Supporter: Charles Browning (applicant)			
<u>Update</u>			
None			

Planning (Viewing) Sub Committee – 26 September 2016

Draft Minute Extract from Planning Committee 15 September 2016

Item 4:- Demolition of existing house and garage and construction of New House and Garage – The Anchorage, Northbrook, Micheldever .
Case number: 16/01218/FUL/WPP-05193229

The Head of Development Management provided a verbal update outlining an amendment to Condition 13 to note that the plan showing the street scene is illustrative as the plan submitted could not be verified for accuracy and as a result were for illustrative purposes only.

During public participation, Michael Neal and John Botham (Micheldever Parish Council) spoke in objection to the application and Charles Browning (applicant) spoke in support to the application and all answered Members' questions thereon.

During public participation, Councillor Horrill spoke on this item as a Ward Member.

In summary, Councillor Horrill stated that she was objecting to the application due to the size and mass of the proposal which she considered to be excessive and out of keeping with the surrounding area. To grant the application would result in the loss of a smaller dwelling in a rural village location when there was a significant demand for affordable small houses within the District for residents to live and work in the locality. She questioned how the existing wooden and corrugated iron outhouses could be deemed to be part of the existing dwelling and as a result suggested that Policy CE23 and MTRA(3) would be applicable should the Committee were minded to refuse the application. In conclusion she urged the Committee to visit the site before making its decision.

The Head of Development Management advised Members that in this case MTRA3 did not apply to proposals for replacement dwellings.

Following questions, the Legal Services Manager advised Committee Members that the text to support policy DM3 of the Local Plan Part 2 advised that if the original size of the dwelling cannot be confirmed the planning authority will make a judgement based on the best evidence available at the time of the application.

At the conclusion of debate, the Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Monday 26 September 2016 at 11.00am. The Planning (Viewing) Sub Committee would assess the relationship between the existing and proposed properties in context with the surrounding area and consider the size of the existing dwelling