

## Planning (Viewing) Sub Committee – 22 November 2016

### Report Extract from the Meeting of the Planning Committee 10 November 2016

**Item No:** 06  
**Case No:** 16/01483/FUL / WPP-05031807  
**Proposal Description:** The demolition of three garages and their replacement with a two storey, one bedroom dwelling with integral garage.  
**Address:** Land To The Rear Of 24 St Catherines Road Winchester Hampshire  
**Parish, or Ward if within Winchester City:** St Michael  
**Applicants Name:** Abora Properties Ltd  
**Case Officer:** Mrs Katie Nethersole  
**Date Valid:** 6 July 2016  
**Site Factors:**  
  
**Recommendation:** Civil Aviation  
Application Permitted

#### **General Comments**

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

Amended plans received 15<sup>th</sup> September and 3<sup>rd</sup> October 2016. The elevations (Drawing no. 2159/04) show a revised design to address the concerns about the proposed balcony to the front elevation. This has been removed and the amended plans now include a recessed roof terrace balcony to the north elevation. There are also design alterations including brick detailing to reflect the character of the existing dwellings in the locality. The amended floor plans (Drawing no. 2159/03) show that it is proposed to install a subterranean water tank to address the drainage concerns. The amended site plan (Drawing 2159/01 Rev A) now includes the recent extensions at no.'s 23 and 24 St Catherines Road.

This is a resubmission of an earlier application which was refused and dismissed at appeal (08/02460/FUL).

#### **Site Description**

The site is a very small area of 54 metres squared. It is a smaller plot of land from the previous refused application as one of the garages is now not included. It is situated in the Highcliffe area in Winchester. The area is residential with the majority of the houses being terraced of the Edwardian and Victorian era, with a local primary school and church in close proximity. To the north of the site is a row of three terraced houses, to the east is a row of Edwardian terraced house, to the south is Victorian terraced housing and to the west is the rear gardens of St Catherine's Road and Highcliffe Road as well as an access serving garages to the rear of these gardens.

## **Proposal**

The proposal is for the demolition of 3 garages and erection of a one bedroom detached dwelling with integral garage. The proposed dwelling will be constructed in Michelmersh brick, slate roof, grey aluminium window and painted timber doors. The dwelling is two storeys and will be 7.95 metres in height to pitch and 4.86 metres to eaves, with a width of 9.58 metres and a depth of 5.5 metres. The distance between the proposed dwelling and no. 24 is 10.46 metres, with 10.61 metres to no.23 St Catherines Road. There is a distance of 2.5 metres between the proposed dwelling and the neighbouring property 17 Canute Road with a distance of 13.1 metres to the dwellings opposite. Access will be from Canute Road and there will be pedestrian access to the front door and access to the integral garage.

## **Relevant Planning History**

04/01290/FUL - Demolition of three garages and erection of detached one bedroom dwelling with integral garage. REF 13th July 2004.

05/01458/FUL - Demolition of garages to No.'s 1, 2 and 3 Canute Road; erection of 1 no. detached one bedroom house with integral garage (RESUBMISSION). REF 8th August 2005.

07/03142/FUL - Demolish 4 no. garages and replace with 1 no. two bedroom dwelling with integral garage and attached garage. REF 13th February 2008.

08/02460/FUL - Demolish 4 no. garages and replace with 1 no. one bedroom dwelling with integral garage and attached garage for 24 St Catherines Road (RESUBMISSION). REF 18th December 2008. APPEAL DISMISSED 26<sup>th</sup> November 2009

## **Consultations**

### Engineers: Drainage:

Initial comments were that there was not sufficient information and a drainage condition was suggested. Further information was requested and submitted and no objections were raised, subject to conditions.

### Engineers: Highways:

No objections subject to conditions

### Southern Water:

Provided sewer plans to indicate positions of existing foul sewer within immediate vicinity of the site. The exact position of the foul sewer must be determined before the layout of the proposed development is finalised. Advised that no tree planting to be located within 3 metres either side of the centreline, no new soakaways to be located within 5 metres of a public sewer, and all existing infrastructure should be protected during construction. If any sewer is found during construction then an investigation of its condition should be carried out before any further works are undertaken.

Head of Historic Environment - Archaeology:

Supports the proposal subject to conditions.

**Representations:**

City of Winchester Trust: The trust reviewed the amended plans and comments that the modified proposal represents an efficient use of the land which replaces unsightly garages with a revised design that goes a long way to fit in with the character of the street. A solution to the drainage has been provided. However still concerns, based on previous appeal, that the impact on neighbouring properties may still be sufficient to warrant a refusal

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

- Loss of light
- Design out of character
- Proposal contravenes building line
- Reduction in parking
- Access to remaining garage will be compromised
- Overdevelopment
- Material harm to living conditions of neighbours
- Overshadowing
- Potential to convert proposed integral garage to additional living accommodation
- Lack of space for refuse storage
- Lack of amenity space
- Overlooking
- Proposed garage not used for parking

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

- Inaccurate plans
- Contravenes restrictive covenant
- Party wall issue
- Negative impact on value of neighbouring properties
- Disruption from building work
- Area has been subject to building work for over 2 years

1 letters of support received.

- Current garages are unsightly
- Proposal for integral garage is welcome
- Well designed use of space

**Relevant Planning Policy:**

Winchester District Local Plan Review

DP3

Winchester Local Plan Part 1 – Joint Core Strategy

MRTA1, CP13, CP14, WT1

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM15, WIN1

National Planning Policy Guidance/Statements:  
National Planning Policy Framework

Supplementary Planning Guidance

High Quality Design SPD

**Planning Considerations**

Principle of development

The principle of development is accepted as the site is located within the settlement boundary of Winchester and therefore the presumption is in favour of development. The proposal site is currently occupied by garaging – two sets of a pair of garages; however only 3 out of the 4 are proposed to be removed. It is proposed to demolish 3 garages and construct a two storey, one bedroom dwelling with an integral garage.

The following policies are relevant:

Policy DP3 of the Winchester District Local Plan Review allows for development provided, amongst other things, that it:

Makes efficient and effective use of the land

Responds positively to the character of the area

Keeps parking provision to a minimum

Provides ease of movement

Does not have an unacceptable adverse impact on neighbouring properties

Includes sufficient amenity space

Makes provision for refuse

Policy MRTA1 of the LPP1 allows for development within the built up area of Winchester

Policy WT1 of the LPP1 provides a development strategy for Winchester town which includes, amongst other things the following:

- Ensuring that new development is of the highest design quality and fully respects the context of its setting and surroundings

Policy DM15 of the LPP2 permits development provided, amongst other things, that it:

Responds positively to the character of the area

Allows for permeability and access

Designs services areas such as cycle provision, refuse storage that are integral

Uses high quality materials

Policy WIN1 of the LPP2 permits development within the defined settlement of Winchester provided that, amongst other things:

Protects and enhances the special character of Winchester

Encourages economic prosperity

Contributes towards reducing carbon emissions

Create a green and environmentally friendly town

The proposal is considered to meet the criteria of the above relevant planning policies;

particularly in that it makes efficient use of the space, using high quality materials and responds positively to the character of the area.

### Design/layout

The design of the proposed dwelling has been simplified from the previous refusal (dismissed at appeal - 08/02460/FUL), and further amended during the time of this current application. The dwelling would be constructed in Michelmersh brick, natural slate, aluminium windows and timber door. These materials are considered to be of high quality and reflects the materials used in the existing houses in the area. The design of the proposed dwelling is considered appropriate to the character of the area which makes efficient use of the space and will mark an improvement on the current unsightly garages.

The design has been amended to address concerns of overlooking to both the dwellings opposite in Canute Road and those to the rear in St Catherine's Road. The originally proposed front first floor balcony has been omitted and there are no windows proposed to the rear elevation or the south elevation to ensure that there is no overlooking to the neighbouring properties in St Catherine's Road. Amenity space for the future occupants is now provided by the proposed roof terrace which will be to the north. The door to this terrace will be recessed back from the elevation by 3.3 metres and will have a glazed section in the roof above to allow light to it. This terrace will look towards the side of 17 Canute Road where there are no windows so no overlooking will result from this addition.

### Impact on character of area and neighbouring property

The proposed dwelling will sit between the rear of 24 St Catherines Road and the side of 17 Canute Road. There is an existing service lane to the side of 17 Canute Road which is used for the storage of bins and access to outbuildings and garages to the rear of dwellings. However judging by the overgrown nature of this service lane, it does not appear to be greatly used by vehicles.

The proposed amenity space is considered to not have an adverse impact on neighbouring properties as it looks towards the side elevation of 17 Canute Road which has no windows and therefore no overlooking will result from this. All fenestration (aside from the door to access the roof terrace) is to the front elevation and therefore there is no overlooking towards the neighbouring properties to the side or rear of the dwelling.

The streetscene will alter as the existing garages are lower in height than the proposed dwelling; however it is considered that the design of it reflects the character of the existing dwellings and will have a positive impact on the overall streetscene. The dwelling will be hard up to the footpath but this is so that the integral garage can be incorporated and the existing garages are in the same footprint as the proposed dwelling.

It is considered that there is sufficient distance between the immediate neighbours to the north and the south to ensure that the proposed dwelling does not have an adverse impact by way of overbearing or loss of light. Considering the position of the dwelling

being to the north of the neighbouring properties in St Catherine's Road, it is not considered that there will be a significant loss of light to their living spaces or gardens. It is appreciated that for the occupants in Canute Road their outlook will be altered by the proposal but considering the position and the height of the proposed dwelling it is not considered to have a sufficient adverse impact on them in terms of overbearing or loss of light.

#### Landscape/Trees

There is no landscaping on the site as it is occupied by garages so there will be no loss of trees or landscaping.

#### Highways/Parking

The proposal does involve the loss of three car parking spaces; however there will be one car parking space as part of the development with the provision of an integral garage. The Highways Engineer has raised no objection to the proposal and is satisfied that it will not impact on highway safety.

#### Drainage

The drainage engineer has reviewed the information supplied by the applicant and is satisfied that the proposals are acceptable provided a condition is imposed to control the surface water drainage. A drainage report undertaken by HJ Concepts was submitted as part of the appeal, and demonstrated that surface water drainage could be dealt with appropriately.

#### **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 dwelling 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 dwelling hereby approved shall be constructed in accordance with the following approved plans:

2159/01 Location Plan, 2159/02 Rev B Site Plan, 2159/03 Floor Plan, 2159/04 Elevation Plan, 2159/05 Rev A Street Elevation

03 Reason: For the avoidance of doubt and in the interests of proper planning

04 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 to 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 cleaned sufficiently to prevent mud being carried onto the highway.

04 Reason: In the interests of highway safety.

05 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.

05 Reason: In the interests of highway safety.

06 No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No demolition/development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- o The programme and methodology of site investigation and recording
- o Provision for post investigation assessment, reporting and dissemination
- o Provision to be made for deposition of the analysis and records of the site investigation (archive)
- o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

06 Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations. Policy HE.1 Winchester District Local Plan Review; Policy CP20 of the Winchester District Joint Core Strategy

07 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

07 Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly

available. Policy HE.1 Winchester District Local Plan Review; Policy CP20 of the Winchester District Joint Core Strategy

08 Detailed proposals for the disposal of foul and surface water, notably how to drain surface water, 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 building works can commence.

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

09 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.

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 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.

10 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.

### **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.

In this instance negotiations took place with the agent/applicant and amended plans were submitted.



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.

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

Winchester District Local Plan Review 2006: DP3

Local Plan Part 1 - MRTA1, CP13, CP14, WT1

Local Plan Part 2 - Joint Core Strategy: Development Management and Site

Allocations: DM15, WIN1

SPD - High Quality Places

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.

The applicant is advised that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. No new soakaways should be located within 5m of a public sewer and all existing infrastructure should be protected during the course of construction works.