

PLANNING DEVELOPMENT CONTROL COMMITTEE

12th January 2005

INSTALLATION OF 2 NO. WINDOWS IN EXISTING GARAGE

19 MONARCH WAY, WINCHESTER

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Nicola Whitehead Tel No: 01962 848571

EXECUTIVE SUMMARY:

An application for the insertion of 2 no. windows in the existing garage at 19 Monarch Way was submitted on the 12th November 2004. During a period of consultation a number of objections were raised by neighbours. The main issues were the use of the garage as an independent dwelling, the loss of the landscape vegetation surrounding the garage and the loss of amenity to the neighbouring property.

Under the Town and Country Planning Act 1990 any works that do not materially affect the appearance of a building do not constitute development. The officers' view is that the insertion of the two windows of the size proposed will not materially affect the appearance of the garage and therefore planning permission is not required.

However as one of the persons who made an objection in his private capacity is also a Councillor, the Monitoring Officer has advised that the matter be dealt with by Committee to comply with the Planning Protocol on probity which requires openness and transparency in dealing with such matters. The Councillor concerned has not been involved in the processing of the application and has acted in accordance with the advice from the Monitoring Officer. Accordingly, the Committee is asked to:

- determine if the insertion of windows in the manner proposed will materially affect the appearance of the building and therefore requires planning permission.
- should it be determined that planning permission is required, that the application be approved.

RECOMMENDATIONS:

- 1 That should the Committee decide that the proposals do constitute development then planning permission be approved subject to the conditions set out in the officers' report in Appendix A of this report.
- 2 That should the Committee decide that the proposals do not require planning permission then the application be returned to the applicant together with the fee.

PLANNING DEVELOPMENT CONTROL COMMITTEE

12th January 2005

INSTALLATION OF 2 NO. WINDOWS IN EXISTING GARAGE

19 MONARCH WAY, WINCHESTER

1 Introduction

- 1.1 The original planning consent for the housing development at Monarch Way was granted by Hampshire County Council who, at the time, did not place any restrictions on the insertion of windows in walls in any building or on the retention of parking spaces either inside or out of garages. Under the Town and Country Planning Act 1990 any works that do not materially affect the appearance of a building do not constitute development.
- 1.2 19 Monarch Way is a detached 2 storey residential property with a separate garage to the front bordering a public footpath. A track begins to the side of the garage and extends to an area of play space beyond the housing development. The property is set at the end of a cul-de-sac and is surrounded by neighbouring properties of a similar size and style.
- 1.3 The application was submitted on the 12th November 2004 and went out to public consultation. This ended on the 16th December 2004. During this period 2 neighbours objected one of whom was a Councillor objecting in his private capacity. The issues raised were:
 - The loss of privacy to number 18 Monarch Way.
 - The loss of landscaping.
 - The issue of the garage being used as an independent residential unit.
- 1.4 Councillor Campbell has also expressed interest and concern over the use of the garage as a residential unit.
- 1.5 A further officer report is attached as appendix A. This deals with issues of loss of privacy, the loss of landscaping and the use of the garage

2 Enforcement History

- 2.1 The issue of the garage being used as a separate unit of accommodation independent of the dwelling house has been examined by the enforcement team.
- 2.2 In August 2002 the Council's enforcement officer, following previous site visits and correspondence, confirmed in writing that the garage was no longer capable of being used as a self contained unit of residential accommodation as cooking and washing facilities had been removed.
- 2.3 In December 2004 a planning officer undertook a site visit of the property in relation to planning application 04/02050/FUL (insertion of windows in the garage). The officer met with a representative of the applicant and was permitted entry into the garage. The opinion of the officer is that the garage is unable to provide all necessary functions to be independent of the main house and that the occupier of the garage would need to use the main house for some cooking, washing and bathing purposes. The applicant's representative confirmed this was the case.

2.4 The officers' view therefore is that there has not been a material change of use and development has not occurred. If however the situation changed and more facilities were installed within the garage it could then be argued that a unit of accommodation had been formed and planning permission would be required.

APPENDICES:

A – Officers Report

APPENDIX A

Officers Report

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANGER
SIGN OFF SHEET

Case No:	04/02050/FUL	Valid Date	12 November 2004
W No:	19303	Recommendation Date	
Case Officer:	Ms Nicola Whitehead	8 Week Date	7 January 2005
		Committee date	
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal: Installation of 2 No: windows in existing garage

Site: 19 Monarch Way Winchester Hampshire SO22 5QU

Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y	N	N	Y

APPROVED TO GO TO COMMITTEE
TEAM MANAGER
Signed & Date

AMENDED PLANS DATE:-

Item No:
Address: 19 Monarch Way Winchester Hampshire SO22 5QU

Parish/Ward Winchester Town

Proposal Description: Installation of 2 No: windows in existing garage

Applicants Name Ms Beverly Arnett

Case No: 04/02050/FUL

W No: W19303

Case Officer: Ms Nicola Whitehead

Date Valid: 12 November 2004

Delegated or Committee: Committee Decision

Reason for Committee: At the request of the Monitoring Officer

Site Factors:

SITE LOCATION PLAN

Case No: 04/02050/FUL **W No:** W19303
Address: 19 Monarch Way Winchester Hampshire SO22 5QU

Proposal Description: Installation of 2 No: windows in existing garage

Site Description

- The site is located to the end of a cul-de-sac on Monarch Way. It is situated on a corner plot next to a track leading to play area to the North.
- The property is 2 storey detached house of brick and tile construction set within an estate of similar properties. There is a drive to the front of a detached garage which is to the West of the house. There are neighbouring properties to the North, South and West.
- The garage is currently being used as residential accommodation and contains a toilet, shower and living area. There are no kitchen facilities within the garage. The garage door is retained and there is an additional door to the side.

Relevant Planning History

- HCC resolution to Grant for the development of a maximum of 30 dwellings on the South Western part of the former Montgomery School building (Kings School South) Romsey Road, Winchester – 10/06/1991
- W05861/24 – Approval of reserved matters for the HCC development above – 15/07/1997

Proposal

- As per Proposal Description

Representations:

City of Winchester Trust:

- No comments

Letters of representations have been received from 2 Neighbours (inc a Councillor)

- Loss of privacy to number 18
- Loss of landscaping
- Issue garage being used as separate dwelling

Letter from Cllr Campbell

- Would like confirmation the garage has permission to be used as a residential unit

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3

Winchester District Local Plan

- EN.5

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.3

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Residential amenities
- Comments on representations

Principle of development

- The principle of development is established within the settlement boundary of Winchester City.
- The proposals are in line with current policy in terms of scale and design.
- There are no restrictions imposed as conditions on the use of the garage or retention of parking space.
- Permitted development rights have not been removed therefore there are no conditions restricting the insertion of windows in walls of buildings.

Impact on character of area

- The windows will be partially screened by the existing vegetation which is to be retained. Therefore it is not considered the proposals will have any impact on the character of the area.

Residential Amenities

- The proposed windows are at ground floor level, will look out onto the road and will be partially screened by vegetation. There will be no overlooking of any private amenity space or into any primary windows of neighbouring properties.

Comments on representations

- Loss of privacy to no. 18 – See above.
- Landscape – The existing shrubbery is to be conditioned to be retained.
- Use as a separate dwelling – This issue has been examined by our enforcement team and it has been determined that the garage is being used as ancillary accommodation to the main dwelling house.
- The garage is occupied by a person unrelated to the occupiers of the main house. However the garage occupier is dependant on some of the services in the house. These include some cooking facilities, washing and bathing facilities. There is a shower in the garage but it is

dysfunctional. This is in effect similar to accommodation provided for a lodger albeit the bedroom is in the garage rather than being a room in the main dwelling.

- The officer view therefore is that there has not been a material change of use and development has not occurred. If however the situation changed and more facilities were installed within the garage it could then be argued that a unit of accommodation had been formed and planning permission would be required.

Planning Obligations/Agreements

In seeking the planning obligation(s) the Local Planning Authority has had regard to the tests laid down in Circular 1/97 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

APPROVE – subject to the following condition(s):

1 Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five 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.

02 The planting along the North West and South West elevation of the garage shall be retained for a period of five years.

02 Reason: In the interests of the visual amenity of the area

Informatives

01. 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: UB3

Winchester District Local Plan Proposals: EN.5

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3