

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 13 January 2005

Item No:	07
Address:	33 Compton Way Olivers Battery Winchester Hampshire SO22 4HW
Parish/Ward	Olivers Battery
Proposal Description:	Two bedroom bungalow with associated parking
Applicants Name	Mr And Mrs Roberts
Case No:	04/02890/FUL
W No:	W06322/02
Case Officer:	Mr Simon Avery
Date Valid:	29 November 2004
Delegated or Committee:	Committee Decision
Reason for Committee:	Parish Council submitted representations contrary to officer recommendation
Reason for Committee:	4 or more representations contrary to the Officer's recommendations have been received

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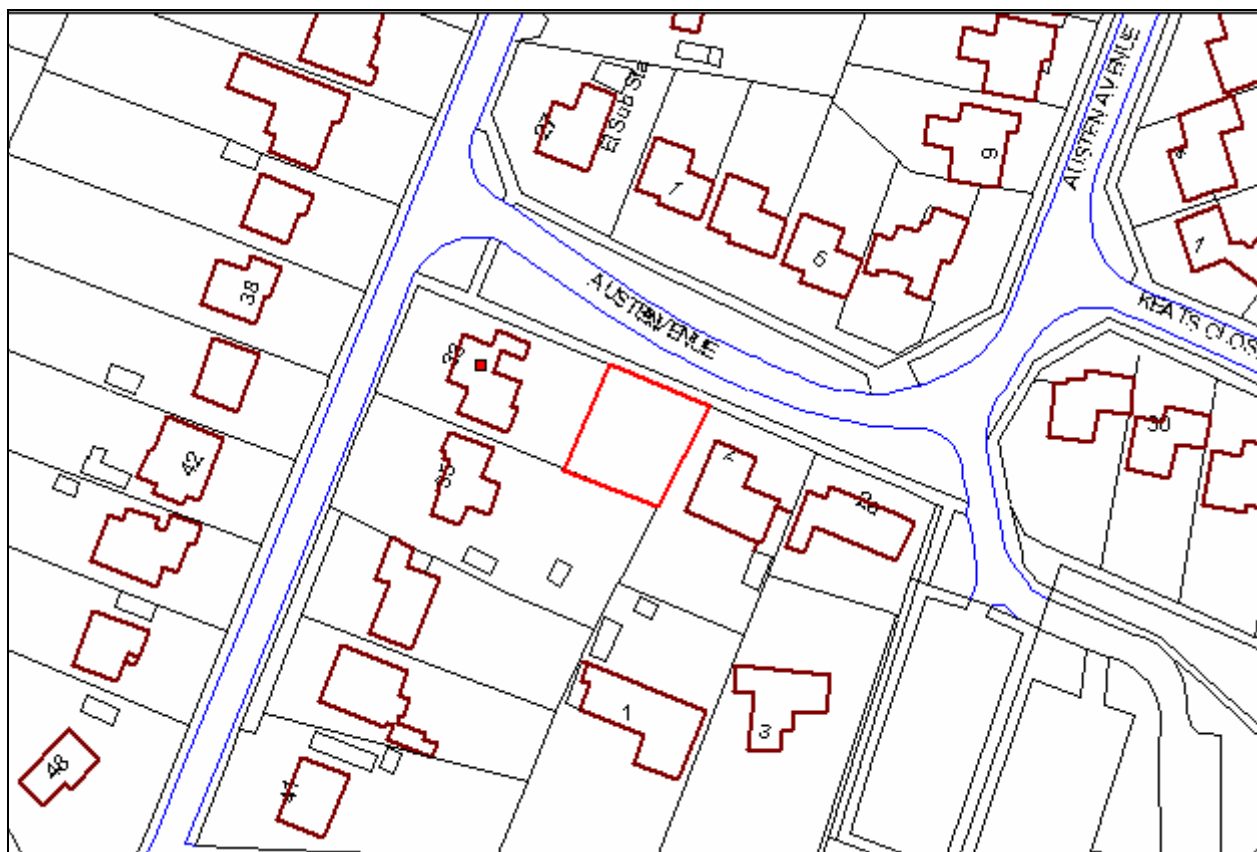
SITE LOCATION PLAN

Case No: 04/02890/FUL

W No: W06322/02

Address: 33 Compton Way Olivers Battery Winchester Hampshire SO22 4HW

Proposal Description: Two bedroom bungalow with associated parking



Site Description

- This site comprises the rear section of garden belonging to 33 Compton Way
- The existing property is a red brick bungalow with rooms in the roof
- It is on the corner of Compton Way and Austen Avenue
- The site area adjoins Austen Avenue and there is an existing access onto this road
- The site area is approximately one third of the existing curtilage of 33 Compton Way
- The garden is enclosed by tall conifers along the boundary facing Austen Avenue and wooden fencing on the rear and other side boundary
- To the east and southwest the site is surrounded by bungalows
- 2 Austen Avenue, another bungalow, is the nearest property to the site
- To the north on Austen Avenue there is a development of houses

Relevant Planning History

- W06322: Erection of single storey side extension - Permitted - 30/07/1981
- W14991: Detached two bedroom dwelling and new access – Land Rear of 33 Compton Way, Austen Avenue, Olivers Battery – Refused 17/07/97 – Dismissed on appeal - 24/06/98
- W06322/01: Dormer window to front - Permitted - 10/04/2001

Proposal

- As per Proposal Description
- The proposal is for a single storey dwelling with an integral garage
- It will have a floor area of 75m² including the garage
- It will be served by the existing access onto Austen Avenue

Consultations

Engineers: Highways:

- No objection, subject to conditions – it is unlikely that the proposals will cause demonstrable harm to users of the adjoining highway

Landscape: Arboricultural

- The site itself only has a number of small insignificant fruit trees within it, three which are being lost as a result of the development.
- The entrance into the site is of some interest as it has to cross the council verge in which are a number of important trees.
- The closest to the new drive is the young Birch, this would have a four metre fence around it if on a development site but it is a good eight meters from the proposed drive and so will not be impacted upon.

Representations:

Olivers Battery Parish Council

- Object:
- Overdevelopment of the site
- Proposal will be detrimental to the character of the area where buildings in reasonably sized plots maintain the semi rural character
- A similar application for a slightly larger plot was refused about 5 years ago

Letters of representations have been received from four Neighbours

- All objecting:
- A new dwelling was previously refused by the Council and Inspectorate
- The area has a spacious character with large gardens
- The proposal will be out of keeping with the average plot and dwelling size in the area

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- The application will lead to urban cramming
- Overlooking
- Off-site car parking needs to be provided
- Increase to highway danger
- Overdevelopment
- Loss of outlook

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T2, T4, R2

Winchester District Local Plan

- EN5, EN9, H1, T9, RT3

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP3, DP6, T2, T4, RT3

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
- Detailed design
- Residential amenities
- Highways
- Public open space provision
- Comments on representations
- Comments on applicants design statement

Principle of development

- There is a presumption in favour of residential development within the defined settlement boundaries, subject to detailed criteria
- A similar application was refused in 1997 but this was prior to the publication of the revised PPG3 in March 2000 which advocates a more efficient use of land
- Local policies reflect this national guidance and a higher density of housing is encouraged
- Proposals should be designed sufficiently well to achieve this density while respecting the character of an area

Impact on character of area

- There is sufficient space within the rear garden of the existing bungalow to accommodate a new dwelling
- The proposal will result in a small dwelling within a relatively small plot
- However, the frontage of the plot is similar in size to those of the two properties to the east
- When viewed from Austen Avenue the dwelling will not appear intrusive or cramped in the street scene
- It will be appropriate in relation to the scale and siting of the bungalows to the east
- The tall boundary planting will screen it from views from the junction of Austen Avenue and Compton Way

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Detailed design

- The proposed bungalow has a simple design with a gable facing the road
- It reflects the design and height of the surrounding bungalows
- The materials are also in keeping with those used in the area

Residential amenity

- The property will be sited close to the side boundary with No 2 Austen Avenue to the east
- This boundary is enclosed by 1.8 metre high wooden fencing
- The proposed dwelling will have no windows facing east so there will be no overlooking
- 2 Austen Avenue has windows facing towards the proposed dwelling
- The integral garage of the proposed dwelling is the structure nearest the eastern boundary and this is only 3.8 metres high
- Overall the dwelling is only 4.5 metres high and does not extend back as far as No 2
- Therefore it will not be overbearing toward this neighbouring property or significantly affect their outlook
- The proposed bungalow will have windows on the other three elevations
- However, these are too far from properties to the west and south to cause any loss of privacy
- There may be some views available of the end of the adjoining garden of No 35 Compton Way but these will be minimal due to the boundary fencing
- A landscaping scheme could increase privacy along this boundary
- The garden space provided for the dwelling is small but usable

Highways

- The proposed dwelling will utilise the existing access and parking spaces onto Austen Avenue
- The highway officer is satisfied that this is acceptable
- 33 Compton Way can reopen a driveway and parking areas to the front onto Compton Way to ensure that sufficient parking is available for this property

Public open space provision

- The applicant has agreed to make the appropriate financial contribution for public open space, although at the time of writing this report it has not been received
- The applicant could either enter into a S106 agreement with us to agree to pay the money prior to commencement of works, or pay the money prior to the issue of the decision notice

Comments on representations

- The new dwelling will not appear cramped in the street scene or have a significant impact on the character of the area
- It will not result in overlooking or significant loss of outlook
- Off-site car parking will be provided and the highway officer is satisfied that the access is acceptable

Comments on the applicants design statement

- The applicant has submitted a thorough design statement based on Winchester City Council's 'Development control procedure note for the use of previously developed land for the development of one or more houses'

Recommendation

APPROVE – subject to a Section 106/Section 278 Agreement for:

- 1. A financial contribution of £1636.00 towards the provision of public open space through the open space funding system**

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

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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 No development shall take place until details and samples of the bricks 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E or F of Parts One of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

03 Reason: To protect the amenities of the locality and to maintain a good quality environment.

04 Detailed proposals for the disposal of foul and surface water from the building 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 the new dwelling hereby approved is occupied.

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

05 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 application site, together with no. 33 Compton Way, and thereafter maintained and kept available.

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

06 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

06 Reason: To improve the appearance of the site in the interests of visual amenity.

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows shall, at any time, be constructed in the eastern elevation(s) of dwelling hereby permitted.

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

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, T2, T4, R2

Winchester District Local Plan Proposals: EN5, EN9, H1, T9, RT3

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, DP6, T2, T4, RT3

03. 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 Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

04. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, 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.