

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 7<sup>th</sup> April 2005

**Item No:** 10  
**Address:** Hyde PO And Stores16 Egbert Road Winchester Hampshire SO23  
7EB

**Parish/Ward** Winchester Town

**Proposal Description:** Retain existing mezzanine floor; installation of 2 no. opaque glass  
rooflights and 1 no. sunpipe in garage building. [RETROSPECTIVE]

**Applicants Name** Ilanbray Ltd

**Case No:** 05/00460/FUL

**W No:** W15614/05

**Case Officer:** Elaine Patterson

**Date Valid:** 17 February 2005

**Delegated or Committee:** Committee Decision

**Reason for Committee:** At the request of a councillor

**Site Factors:** Winchester Conservation Area

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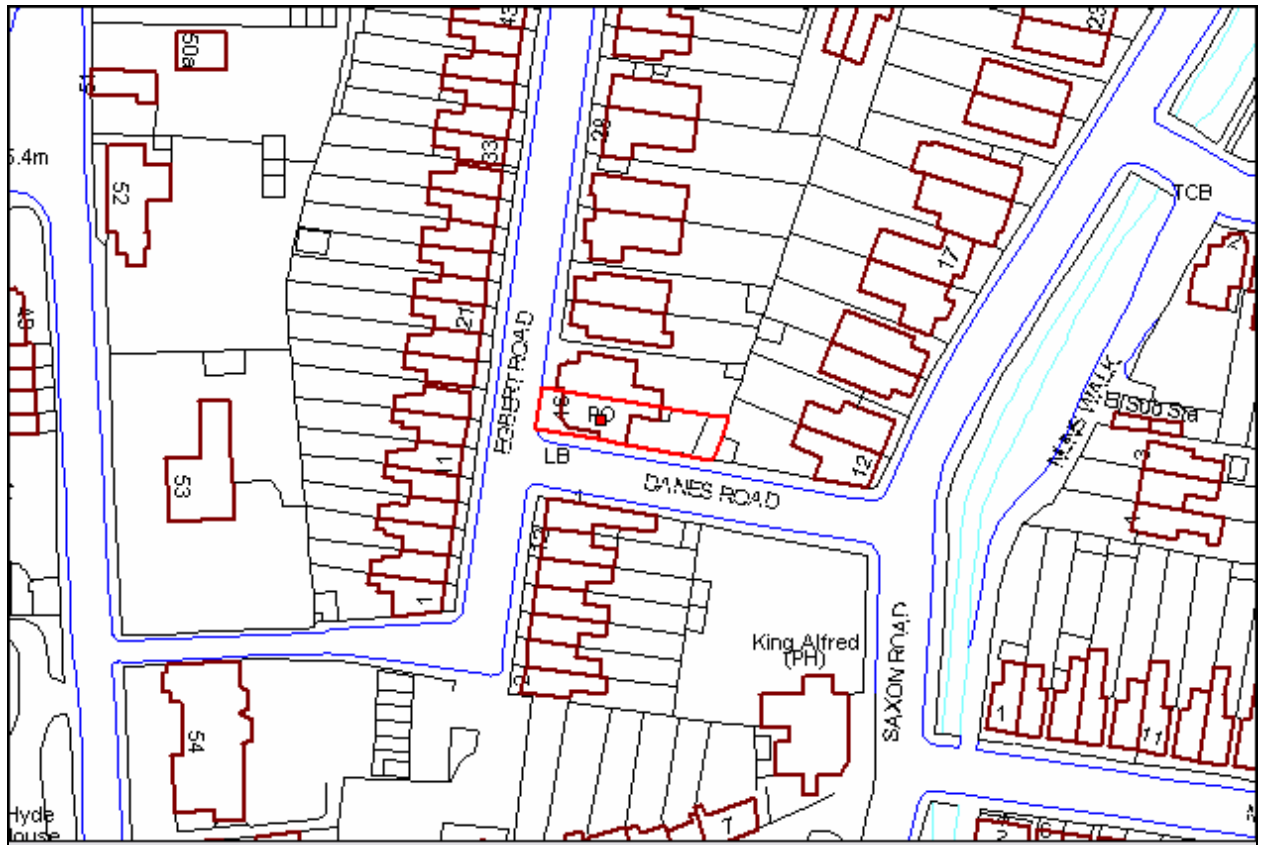
**SITE LOCATION PLAN**

**Case No:** 05/00460/FUL

**W No:** W15614/05

**Address:** Hyde PO And Stores 16 Egbert Road Winchester Hampshire SO23 7EB

**Proposal Description:** Retain existing mezzanine floor; installation of 2 no. opaque glass rooflights and 1 no. sunpipe in garage building. [RETROSPECTIVE]



### Site Description

- The application site comprises the former Hyde Post Office on the corner of Egbert Rd and Danes Rd, and the garage to the rear.

### Relevant Planning History

- W15614/04LBCA (REVISED PLANS AND INFORMATION DATED 19 APRIL 2004)  
Conversion of Post Office to three dwellings. Consent Granted by Committee 27 May 2004
- W15614/03 (REVISED PLANS AND INFORMATION DATED 19 APRIL 2004) Conversion and change of use from Post Office and associated dwelling to form 1 No. two bedroom dwelling and 1 No. one bedroom dwelling and one single storey studio in existing garage. Permission Granted by Committee 27 May 2004

### Proposal

- This represents an amendment to the details shown on the approved drawings, for the garage building.
- The red line of the application site, also includes the boundary wall to Danes road which has been rebuilt. Neighbouring residents are concerned that the wall has been stepped, which is not in accordance with the approved drawings, however, this is not considered to be a material alteration in the appearance in the wall. The stepping of the wall is considered to be *de minimus*.

### Consultations

#### Conservation:

- Impose a condition to say that the building shall be completed as per drawing xxx with 2 velux and no more shall be added without prior consent from the LPA. Reason To protect the character of the conservation area and for the avoidance of doubt

#### Enforcement:

- The application was submitted following an enforcement investigation.
- The addition of a first floor and the velux windows could not be dealt with as a minor amendment but it was considered material harm would be minimal if obscure glazing was used.
- Consideration was also given to the fact that works could be undertaken as permitted development once the dwelling unit was occupied.

### Representations:

#### City of Winchester Trust:

- OBJECT
- This is retrospective.
- The original proposal to raise the roof with windows on the western slope was amended to a single storey scheme with rooflights and a sunpipe to the east which would not cause overlooking.
- The developers have installed a mezzanine with rooflights and a sunpipe to the west, resulting in overlooking which would have been avoided by the terms of permitted development.
- This disregard for the conditions of a planning agreement is unacceptable and urges that to avoid a precedent the applicants be required to comply with the original permission.

#### Letters of representations have been received from 2 Neighbours

- unacceptable Impact on neighbours through overlooking.
- Design appearance and layout unacceptable.
- Unacceptable impact on the conservation area.
- At committee it was clear the garage was to be single storey and if there were roof lights they

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could not be looked through.

- The plans have not been adhered to and the development looks like a 'pig's ear'.

Local Ward Member:

- Objects.
- The developer has acted in a way which shows total disregard for the wishes of the committee that only granted permission on the basis that the garage was to be a single storey. The committee agreed to allow the removal of the Magnolia tree to enable the footprint of the garage to be extended into the yard only when the developer re-submitted plans showing a single storey.
- The developer has increased the footprint after removing the tree, and has taken a cynical decision to put in an extra floor and roof lights in defiance of the permission granted. Roof lights were not an issue until they put in a floor which allowed neighbouring properties to be overlooked.
- If you are not able to reject this application, I would like it to be heard by the committee again, as they were very clear about what was acceptable on this site.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- UB3

Winchester District Local Plan

- FS.2, H.1, H.7, EN.5, T.9, RT.3, HG.7, HG.11

Winchester District Local Plan Review Deposit and Revised Deposit:

- SF.1, DP.3, H.2, H.7, RT.3, HE.4, HE.5, HE.8

**Planning Considerations**

The main considerations in respect of this application are:

- Principle of development
- Impact on neighbours
- Impact on the character of the area

Principle of development

- The principle of the mezzanine floor in the garage is acceptable.
- It is unfortunate that this element was negotiated out of the previously approved scheme W15614/03 and was then installed without permission.
- However the test is whether or not this mezzanine causes material harm. With obscurely glazed veluxes the mezzanine will not cause harm to interests of acknowledged importance.
- Neighbours have commented on the extension of the footprint of the development. There is a ground floor glazed extension to the living room which was increased in size from the original drawings, however this increase in floor area was approved by committee in May 2004.

Impact on neighbours

- The veluxes are now obscurely glazed and only open for ventilation. It is not considered that this overlooking causes material harm to the neighbours.
- There were no conditions on the committee permission W15614/03 removing permitted development rights for rooflights or other windows, therefore these rooflights could have been installed as permitted development following the occupation of the dwelling.

Impact on the character of the area

- It is considered that the amendments do not cause significant harm to the appearance and character of the conservation area, to justify the refusal of planning permission.
- These are low profile conservation rooflights.
- The sunpipe is small and incongruous.

**Recommendation**

**APPROVE**

**Conditions/Reasons**

01 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.

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

**Informatives**

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

Hampshire County Structure Plan UB3

Winchester District Local Plan FS.2, H.1, H.7, EN.5, T.9, RT.3, HG.7, HG.11

Winchester District Local Plan Review Deposit and Revised Deposit: SF.1, DP.3, H.2, H.7, RT.3, HE.4, HE.5, HE.8