

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 23 June 2005

Item No: 16
Address: 2 Broadview Lane Olivers Battery Winchester Hampshire SO22 4JU
Parish/Ward Olivers Battery
Proposal Description: Demolition of bungalow and garage; erection of 2 No. detached two bed chalet bungalows
Applicants Name Mr Giles
Case No: 05/00816/FUL
W No: W19214/01
Case Officer: Mr Jonathan Roach
Date Valid: 29 March 2005
Delegated or Committee: Committee Decision
Reason for Committee: Parish Council submitted representations contrary to officer recommendation

Site Description

- The subject land contains a single storey red brick and brown tile roof bungalow with a detached single garage and large garden area to the rear.
- The site is situated on the north eastern side of Broadview Lane, generally following the pattern of development within the defined settlement boundary of Olivers Battery.
- The land slopes gradually south to north. The plot falls moderately on the portion of land immediately abutting the north west boundary.
- Tall and thick vegetation abuts the north western boundary of the plot, providing screening from adjoining properties.
- A variety of different development styles and heights can be seen in the immediate area.
- The subject plot has a total area of approximately 1174m².
- 55a and 55b Old Kennels Road contains two modern detached bungalows, which were approved on 24 June 1999. The site is situated immediately to the north west of 2 Broadview Lane.

Relevant Planning History

- A previous outline application on the land which proposed the erection of three bungalows with a shared driveway, was refused on 18 November 2004 for the following reasons:
 01. The proposed development is contrary to Policies UB3, R2, and E16 of the Hampshire County Structure Plan Review; Policies EN.5, EN.7, EN.8 and RT.3 and of the Winchester District Local Plan; and, DP.3, and RT.3 of the emerging proposals of the Winchester District Local Plan (Review) in that:-
 - (i) The proposed siting is out of character with the prevailing built form of this locality and would result in an over intensive form of development for this constrained site.
 - (ii) The proposed layout would result in an unneighbourly development by virtue of the loss of privacy and overlooking that would result.
 - (iii) The access to serve two dwellings at the rear would result in noise and activity that would be detrimental to the amenity of occupiers and future occupiers of the neighbouring properties to the east.
 02. The proposed development is contrary to Policy R2 of the Hampshire County Structure Plan 1996-2001 (Review) and proposal RT3 of the Winchester District Local Plan in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area. The proposal would also be likely to prejudice the emerging Winchester District Local Plan Review Deposit and Revised Deposit in that it would undermine those plan policies for recreational open space provision within the District.

Proposal

- Demolition of existing bungalow and detached garage.
- Construct two new chalet bungalows with integral single garages.
- Each bungalow to have individual frontage and highway access to Broadview Lane.
- Proposed sand faced brickwork and sand faced concrete tiles.

Consultations

Engineers:Highways:

- No objection as it is unlikely to cause demonstrable harm to users of the adjoining highway. A new vehicle access is to be created in addition to the existing access, visibility is good with a footway and wide grass verge in between the site boundary and the carriageway.

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Representations:

Olivers Battery Parish Council

- The Parish Council has objected to the proposed development on the following grounds:
- (a) The site is too small for the development with regard to the plot width;
- (b) The proposed design and external appearance of the building is unsuitable for the locality which is almost entirely bungalows with shallow roofs and rendered external finish. The roofs are obtrusive and an unacceptable shape over the garage; and
- (c) The proposal would result in an undesirable precedent which would make it difficult to refuse similar applications.

Letters of representations have been received from three Neighbours who have objected to the proposed development on the following grounds:

- Loss of sunlight.
- Overlooking and loss of privacy.
- Lack of detail regarding finished site levels.
- Visually intrusive and are not in keeping with character of Olivers Battery.
- Increase pollution from vehicles entering and exiting the land which is detrimental to the enjoyment of their property.
- Overdevelopment of the site due to the plot width.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T2, T4 and R2

Winchester District Local Plan

- EN.5, EN.9, H.1, T.9 and RT.3

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.3, DP.6, T.2, T.4 and RT.3

National Planning Policy Guidance/Statements:

- PPG 1 "Delivering Sustainable Development"
- 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 contribution
- Comments on representations

Principle of development

- The land is situated within the settlement boundaries of Olivers Battery, where there is a general presumption in favour of residential development that is compatible in design, scale, layout and density of its surroundings and contribute to the quality of the built environment.
- Development will not normally be permitted unless it makes adequate provision for highway safety, access and internal layout and parking.
- National Planning Policy Guidance 3: Housing recommends a minimum housing density of between 30 to 50 dwellings per hectare, in order to address the needs of housing within settlement areas.

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Impact on character of area spatial characteristics/street scene

- The development proposes a density of approximately 17 dwellings dwelling per hectare, which is below what is recommended under National policy. However in this respect the following comments are made:
- (a) The proposed density of approximately one dwelling per 570m² is more in character with the development density within Olivers Battery, than would be the case if PPG density requirements were insisted upon for this infill site which is not appropriate for development in depth; and
- (b) The previous application was refused on the grounds of overdevelopment. The application has addressed this previous reason for refusal by reducing the number of dwellings on the land from three to two and they are set back from the frontage of the existing bungalow by approximately 4 metres.
- A variety of dwelling types and designs are evident within the street. The proposed development is not considered therefore to be out of character with the streetscene and will not detract from the visual amenity of the area.
- With regard to the development in relation to the plot width, the spacing between the dwellings is not considered to be out of keeping with the immediate area or this part of Olivers Battery generally.

Detailed Design

- The development proposes only one upper floor window, which is orientated away from neighbouring development, towards the highway. In this respect the development proposes no additional overlooking to neighbouring properties.
- The previous application proposed a tandem development arrangement with small rear gardens and shared driveway, which is considered to be contrary to the character of Olivers Battery. The applicant has addressed this concern by proposing frontage development, with a large rear garden area and separate vehicle access.
- The proposed materials of sand faced brickwork and concrete tiles are considered to accord with the character of Olivers Battery. A condition has been recommended for the submission of materials details to the satisfaction of Council to ensure the materials are suitable.

Residential Amenities

- The provision of individual access for the proposed bungalows will reduce noise disturbance on adjoining properties and is supported in this respect.
- The subject plot is situated on higher ground than the adjacent properties on Old Kennels Road. However due to the thick and high screening on the north western boundary, it is not considered to cause material harm to these dwellings in respect to overshadowing and overlooking.

Public Open Space Contribution

- The applicant has paid the appropriate Public Open Space contribution.

Comments on Representations

- A condition has been recommended to adequately address any potential issues arising from site levels.
- The proposed bungalows have been designed to minimise the impact on adjoining properties.
- The development does not result in overlooking as no upper floor windows are orientated towards adjacent land and a condition limits any further windows being installed at first floor level without the benefit of planning permission.
- Due to the orientation of the development in relation to the adjoining plot, it is not considered that any overshadowing will occur on surrounding land.
- The design and materials of the dwelling is not out of keeping with the character of development in the area.
- The application generally accords with the applicable policies and approval is recommended.

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Recommendation

APPROVE – subject to the following conditions:

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 facing bricks and roofing tiles 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. 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.
05. Reason: To improve the appearance of the site in the interests of visual amenity.
06. 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 other than those hereby approved shall, at any time, be constructed in the upper floor of the dwelling hereby permitted.
06. Reason: To protect the amenity and privacy of the adjoining residential properties.

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07. The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.
07. Reason: To ensure the permanent availability of parking for the property.
08. 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.
08. Reason: In the interests of highway safety.
09. No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.
09. Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

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.