

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 5 October 2005

**Item No:** 01  
**Address:** Land To The Rear Of 50 - 52 Wavell Way Winchester Hampshire  
**Parish/Ward** Winchester Town  
**Proposal Description:** 2 no: dwellings (OUTLINE)  
**Applicants Name** Mrs C Tibbits  
**Case No:** 05/01783/OUT  
**W No:** W15017/07  
**Case Officer:** Mr Robert Ainslie  
**Date Valid:** 19 July 2005  
**Delegated or Committee:** Committee Decision  
**Reason for Committee:** 4 or more representations contrary to the Officer's recommendations have been received  
**Site Factors:** Civil Aviation

### Site Description

- Wavell Way is characterised by a semi-detached and terraced properties of similar styles and materials with good sized rear gardens and open grassed areas adjacent to the road.
- A small narrow road leads between 48 and 50 Wavell Way to a group of small low-key bungalows to the rear of 44-48 Wavell Way. These bungalows are relatively small and have smaller rear gardens than those in Wavell Way. The land rises slightly from Montgomery Close in the south east towards Wavell Way in the north west however the application site is at a slightly higher level than the properties to the east of the application site (6 & 7 Montgomery Close).
- Land rises significantly to the south east of the application site. This land has a variety of mature trees and vegetation.
- The site in question currently forms part of the rear gardens of 50 & 52 Wavell Way. A fence runs along the side boundary of 50 Wavell Way with Montgomery Close, with a detached garage accessed from Montgomery Close situated adjacent to the boundary.
- The rear gardens have a variety of vegetation towards the rear boundary.

### Relevant Planning History

- **W15017** Detached bungalow (OUTLINE) - 50 Wavell Way Winchester Hants SO22 4EG - Application Permitted - 04/12/1997
- **W15017/01** Two storey side extension and conservatory - 50 Wavell Way Winchester Hants SO22 4EG - Application Refused - 28/10/2002
- **W15017/02** Two storey side and rear extension, conservatory to rear - 50 Wavell Way Winchester Hampshire SO22 4EG - Application Refused - 13/01/2003 Appeal Dismissed
- **W15017/03** Two storey side and rear extension, conservatory to rear - 50 Wavell Way Winchester Hampshire SO22 4EG - Application Refused - 13/01/2003
- **W15017/04** (AMENDED DESCRIPTION) Renewal of Outline Planning Permission by variation of condition 1 of W15017 for a detached bungalow - 50 Wavell Way Winchester Hampshire SO22 4EG - Application Permitted - 31/03/2003
- **W15017/05** Two storey side and single storey rear extension - 50 Wavell Way Winchester Hampshire SO22 4EG - Application Refused - 08/03/2004 Appeal Dismissed
- **W15017/06** 2 No: dwelling (OUTLINE) - Land To The Rear Of 50 - 52 Wavell Way Winchester Hampshire - Application Refused - 24/12/2004

### Proposal

- This application follows a previous refusal for 2 dwellings on the same site in December 2004.

### Consultations

#### Engineers:Drainage:

- Applicant proposes to connect this development to the public foul and storm water sewers, but as there is no public storm water sewer in Stanmore soakaways could be used.
- There should be no objection on drainage grounds if a full consent is sought subject to gaining building regs approval.

#### Engineers:Highways:

- No objection subject to conditions
- Current proposal includes adequate parking for both the existing and proposed units, and a visibility splay has been shown from the site access junction onto Montgomery Close. Do note however that Montgomery Close has not been included within the red and blue lines of the application and as this road does not form part of the public highway, will need to ensure that the applicant does have a right of access over this land for the proposed development.

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**Representations:**

City of Winchester Trust:

- There is no objection to this proposal, provided the objections raised by the Local Planning Authority to the previous scheme have been answered.

Letters of representations have been received from 15 Neighbours

• Objections:

- Serious impact on the peace and tranquillity currently enjoyed by elderly residents of Montgomery Close.
- Extra traffic along narrow lane with no pavement would pose a danger to residents of the Close when walking to and from their homes.
- Garage entrance to the side of 50 Wavell Way was not intended as vehicular access for two dwellings.
- Houses on this side of Wavell Way enjoy the unusual rural environment of the wild thicket at the end of their gardens, a habitat for, among other things, roe deer, foxes and birds of prey. The proposed development would have a damaging effect on this unique and unspoilt environment.
- The proposed development would seriously impinge on the seclusion and privacy enjoyed by neighbours in their gardens.
- The site comprises two of these mature back gardens which include large established silver birch trees.
- Would set a precedent for others in Wavell Way.
- Inspector, in dismissal of an appeal for an extension to 50 Wavell Way said that "the main issue is the effect on the character and appearance of the surrounding area".
- Latest proposal does not adequately address the objections given by the Director of Development Services when he refused the previous application for outline permission for two dwellings on this site. In particular; the safety of the elderly residents of Montgomery Close and the enjoyment of their homes, the undesirable precedent it would set in terms of density, the detriment to the amenities of residents of existing dwellings.
- Support
- No objection to the proposal. More over, would support this application on the basis that smaller homes are being provided within the community.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- UB3, R2

Winchester District Local Plan

- EN5, EN6, EN8, EN9, RT3, T9 and H7

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP1, DP3, DP4, DP6, RT3, T4 and H7

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments
- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing
- PPG 13 Transport

## **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
- Highways
- Public open space provision
- Comments on representations
- Drainage

### Principle of development

- The application site falls within the settlement boundary of Winchester where residential development is considered broadly acceptable in principle in policy terms subject to specific site constraints. The proposed development therefore is considered to be acceptable in principle in this respect. There are however site constraints which are considered in more detail below.
- The proposals would result in a density of 41 dwellings per hectare and the proposals are therefore in accord with Policies within the Adopted and Revised Deposit of the Local Plan and also in line with guidance set out in PPG3.

### Impact on character of area

- Wavell Way is characterised by semi-detached and terraced houses of similar styles and materials with predominantly good sized rear gardens. The character of Montgomery Close is markedly different with a group of seven low-key bungalows located in a small area with small rear gardens, along a narrow road. The proposed dwellings would appear as part of Montgomery Close and, whilst the plot sizes are relatively small they are comparable to the plots in Montgomery Close. In addition, the plot size to the dwelling immediately adjacent to Montgomery Close is comparable to the plot size of the dwelling granted approval in 1997.
- Whilst there may be some impact on the properties in Wavell Way, most notably 50 and 52 Wavell Way, it is considered that there is sufficient distance between the properties. Also the proposed dwellings would be single storey and, with sensitive boundary screening, would not have an adverse impact on the neighbouring properties.

### Residential Amenities

- It is considered that the low-key nature of the dwellings would not result in issues of overlooking or loss of privacy to the neighbouring properties. Whilst there would inevitably be some visual impact on these properties, it is not considered that this would be so significant as to justify refusal on this basis.

### Highways

- The proposal is considered to be acceptable in terms of provision of parking spaces and visibility splays.
- It is noted that Montgomery Close does not form part of the public highway and that the applicant would need to gain a right of access over this land for all the proposed development, if approved. This would be a legal matter for the applicant to address, if planning approval is granted.

### Public Open Space Provision

- A financial contribution towards public open space provision has been sought and payment is awaited. Members will be updated on whether the financial contribution has been paid.

### Comments on representations

- The matters raised by residents have been mostly addressed above, however the following points are also made:-
- The development would be within the rear gardens of 50-52 Wavell Way and the rural nature of the land to the rear of these properties would still be retained.

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- The density of the development would be no worse than that in Montgomery Close and the precedent for such density has therefore already been set. The density is in accord with government guidance.
- The development would result in additional activity towards the entrance of Montgomery Close and would not result in a significant increase in activity towards the main area of the close to the north east and east of the site.

Drainage

- No objection has been raised on drainage grounds.

**Planning Obligations/Agreements**

In seeking the planning obligation(s) and/or financial contributions for Public Open Space 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 (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) – subject to the following condition(s):**

**Conditions/Reasons**

01 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

01 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

02 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

02 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

03 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other Matters:

03 Landscape considerations including:

- (i) an accurate plan showing the position, type and spread of all the trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring each tree to a satisfactory condition; and also details of any proposals for the felling, pruning, trimming or uprooting of any trees;

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(ii) a landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(iii) the arrangements to be made for the future maintenance of landscaped and other open areas.

03 The design of all buildings, plant and tanks, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.

03 The details of materials/treatment to be used for hard surfacing.

03 The layout of foul sewers and surface water drains.

03 The provision to be made for the parking, turning, loading and unloading of vehicles.

03 The alignment, height and materials of all walls and fences and other means of enclosure.

03 The finished levels, above ordnance datum, of the ground floor of the proposed building(s), and their relationship to the levels of any existing adjoining buildings.

03 The provision to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas.

03 Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

04 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 of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

### **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 38(6) of the Planning and Compulsory Purchase Act 2004, 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, R2

Winchester District Local Plan Proposals: EN5, EN6, EN8, EN9, RT3, T9 and H7

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP1, DP3, DP4, DP6, RT3, T4 and H7