

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	06/02252/FUL	Valid Date	10th August
W No:	03507/17	Recommendation Date	19th September 2006
Case Officer:	Mr Nick Fisher	8 Week Date	6th October 2006
		Committee date	5th October 2006
Recommendation:	Application Refused	Decision:	Committee Decision

Proposal: Relief of condition 4 of W030507/15

Site: The Coach House, Portsmouth Road, Fishers Pond, Eastleigh, Hampshire

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

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

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Item No: ITEM 07
Case No: 06/02252/FUL, W03507/17
Proposal Description: Relief of condition 4 of W030507/15
Address: The Coach House, Portsmouth Road, Fishers Pond, Eastleigh,
Hampshire
Parish/Ward: Colden Common
Applicants Name: Mrs Iris Price
Case Officer: Mr Nicholas Fisher
Date Valid: 10th August 2006
Site Factors:

Recommendation: Application Refused

General Comments

This item was considered by the Committee at the meeting held on the 5th October 2006. The Committee deferred the item and instructed Officers to explore alternatives that may justify the proposal and to conduct further negotiations with the applicant. Discussions have taken place with the applicant, and internal discussions have taken place between the planning department, and the housing and legal departments.

In summary, after considering the issues surrounding the case and suitability of alternatives in terms of relationship with local and national planning policy, legality and the likelihood of the establishment of an undesirable precedent it is the case that the proposal cannot be justified in planning policy terms.

The planning system solely focuses upon the use of land rather than the needs / purpose of a particular occupier. To this end the system requires that each planning application is assessed having regard to the development plan (Winchester District Local Plan Review 2006) and other material considerations. The authority is required to decide whether to grant or refuse planning permission in accordance with the policies laid out in the plan, unless there are material considerations which are of such weight that those policies might be set aside or outweighed in the context of the application.

Other than in the most exceptional circumstances, the personal circumstances of the Applicant will not be a material consideration because the planning system is concerned only with the use of land, not the purpose or interest of a particular applicant. Exceptional circumstances will only be of any effect where all other factors (i.e. planning policy and material considerations) are so finely balanced. In this case it is considered that Planning Policy is clear, and the case is not finely balanced.

This application has been considered at length, and is clearly contrary to planning policy preventing the creation of new dwelling units in the countryside. With regard to policies within the plan that allow new dwelling units in the countryside (i.e. policies allowing new dwellings in connection with financially viable agricultural businesses and creation of affordable houses) there would not appear to be any part of the plan that could be relied upon to justify the grant of permission.

With regard to policies allowing affordable housing as an exception in rural areas it is considered that the site is not well connected to local facilities (i.e. facilities contained within Colden Common) to justify housing development in the locality. It is also likely that the needs and objectives of the applicant may not be aligned with the objectives and procedures of a Housing Association / Registered Social Landlord (RSL). In addition using this policy may set an onerous precedent.

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The process of transferring the ownership of the property or offering the ownership of the property to a Housing Association / RSL once the applicant's son wishes to vacate the premises, has also been carefully considered. Setting aside the policy issues surrounding affordable housing, it is nevertheless considered that such an agreement would not be practical due to the legal requirements of the agreement and unknown timescales involved.

The future maintenance of a link between the annexe and Coach House has also been considered once the current occupier has ceased living in the property, without permission as a separate dwelling. The bungalow would remain as an annexe under the future owners of the Coach House. This would allow the Coach house to be sold to a third party, however the current occupant of the annexe would not be able to remain in the annexe in such circumstances, as planning policy / controls would not permit such occupancy which would amount to a separate dwelling. In such circumstances, even should a purchaser be found who would accept the presence of the current occupant there would be a clear breach of planning control.

In conclusion alternatives have been carefully examined and it is considered that justification does not exist to allow this development as an exception to policy. The recommendation of Officers is therefore to refuse the application; the document below is a copy of the report put before members on the 5th October 2006.

Site Description

The property subject to this application is located within Fishers Pond, Hampshire. Fishers Pond is not an identified settlement in accordance with the Adopted Local Plan, and is therefore located within the Countryside. Colden Common is located approximately 1km to the north.

The application site is located immediately to the north of Portsmouth Road (access to the site is taken from Portsmouth Road). The junction of Portsmouth Road and Main Road is located approximately 80 metres to the west.

There are existing residential properties located to the south of the dwelling on Portsmouth Road. Pondsides Cottage is located to the north of the dwelling. Appleton's Public House is located immediately to the west of the application site. There is an area of woodland immediately to the north and east of the dwelling.

The property subject to this application consists of a large, two storey, detached dwelling-house. A domestic double garage located to the west of the dwelling. A large commercial / workshop building with associated external hard standing used in connection with the repair / testing of commercial vehicles, located to the east / rear of the main dwelling-houses and a single storey detached annexe building located to the west of the aforementioned dwelling and garage. The annexe accommodates the applicant's disabled son. When permission was granted for this annexe a condition was imposed restricting its use which prevents it being occupied as an independent unit of accommodation.

At its nearest point the annexe is within 11 metres of the dwelling. The annexe and dwelling-house share two vehicular accesses onto the highway to the south. The annexe is located within a well proportioned garden area. At the present time the use of this garden is shared between the annexe and the main dwelling. There is a small garden area / courtyard amenity space located to the rear of the main dwelling, and a small front lawn located to the south of the main dwelling.

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Proposal

The proposal seeks permission to allow the annexe to be used as a separate dwellinghouse through the removal of condition four of planning consent W03507/15, which states:-

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the existing dwelling. The dwelling-house extended as hereby permitted shall only be used as a single unit of accommodation and shall not be subdivided, separated or altered in any way so as to create two or more separate units of accommodation.

If the condition is removed the annexe building can become a separate, independent unit of accommodation.

The annexe is occupied by the applicant's son. He was involved in a serious traffic accident several years ago, and was left permanently paralysed from the waist down and dependent upon a wheel chair. The annexe accommodation was specifically designed and constructed to meet his needs, to allow the occupant to live with a degree of independence but with support from his family in the main house. The accommodation contains a kitchen, living room, wet room, bath room, and two bedrooms. The second bedroom can be used to sleep visiting guests and in the future may be used to accommodate a carer, should the need arise.

A serious illness in the applicant's family has led them to review the accommodation at the site. The family wish to safeguard the sons current accommodation, to ensure that he can occupy the building in the future, should a situation arise where the parent's need to leave the main dwelling and adjacent commercial building.

The applicant's are not proposing any building works or physical alterations to the site.

Relevant Planning History

- W03507** Change of use from petrol filling station to horticultural and forestry engineers workshop - Application Permitted - 22/03/1978
- W03507/01** Change of use from part shop/part residential to wholly residential - Application Permitted - 22/02/1978
- W03507/02** Dwelling - Application Refused - 28/02/1978
- W03507/03** Conversion of existing garage building into dwelling house, and provision of detached workshop - Application Permitted - 04/09/1978
- W03507/04** Use of former garage and petrol filling station for the sale of motorised caravans and accessories - Application Refused - 23/11/1978
- W03507/05** Use of land as site for temporary timber building - Application Permitted - 14/02/1979
- W03507/06** Erection of workshop - - Application Permitted - 27/04/1979
- W03507/07** Erection of two storey extension to provide kitchen with bedroom over and erection of single storey addition to reception hall - Application Refused - 03/04/1979
- W03507/08** Erection of 2 storey extension to provide kitchen addition to sitting room with bedroom over - Application Permitted 07/08/1979
- W03507/09** Use of workshop with out compliance with Condition 6 of 03507/03 - Application Permitted- 26/10/1982
- W03507/10** Use of workshop with out compliance with Condition 2 of 03507/09 - Application Refused - 16/02/1987
- W03507/11** Temporary Relief from condition 2 of W/3507/09 (Light industrial use class III) Application Refused - 28/12/1988
- W03507/12** Raise roof height, extension to side - Application Permitted - 27/02/1992
- W03507/13** Detached double garage Application Permitted - 27/06/1996
- W03507/14** Two storey extension - Application Permitted - 21/10/1996
- W03507/15** (AMENDED DESCRIPTION) Detached annexe to provide ancillary living accommodation. - Land Adj The Coach House. Application Permitted - 23/11/2001

Consultations

WCC Highways – No objection, subject to a condition requiring the applicant to demonstrate that the site contains adequate vehicle parking and turning facilities.

Representations:

Colden Common Parish Council

No comment.

8 letters received supporting the proposal for the following reasons:

- The property is purpose built for the current disabled occupant, and allows the occupant to live in an independent manner.
- The change of status of the building will not have a detrimental impact upon the appearance or character of the property or the local area.
- The family would like to be assured that the accommodation is safeguarded for the future.

Salisbury NHS Foundation Trust - The letter from the trust outlines the nature of the disability of the occupier of the annexe, indicates why the annexe was originally required, and explains the purpose built nature of the annexe accommodation. The trust supports the application.

Stokewood Surgery – The letter from the surgery indicates that that a member of the family is seriously ill. The surgery support the application on compassionate grounds.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

C2, H10

Adopted Winchester District Local Plan 2006

H3, H4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development.

PPG 3 Housing

PPS7 Sustainable Development in Rural Areas.

Other Planning guidance

The Planning System General Principles

Planning Considerations

Principle of development

The application site falls outside of the settlement boundary of Colden Common and is therefore located in the countryside. The principle of developing / creating new residential accommodation in a countryside location is strictly controlled by policy H4 (infill development in rural areas) of the Adopted Local Plan. Only in exceptional circumstances will it be appropriate to grant permission for a new dwelling in the rural area, if the proposal does not accord with policy H4. Residential development at this site does not comply with the policy.

Consequentially, if an application were made to build a new dwelling on this site, it would not be supported in principle. Similarly when permission was granted for the annexe the policy prevailing at the time would not have supported an independent unit of accommodation. Permission was only given on the basis that the development was needed to meet a particular need and it would remain tied to the main dwelling-house. It is considered that allowing the annexe to be occupied as a separate dwelling-house would be contrary to current policy and should therefore not be supported.

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It should be noted that the authority receives regular applications for annexes which are applied for to meet the personal circumstances of the applicants. As a result, whilst the applicant's circumstances have changed, it is possible that the house and annexe could meet the needs of another occupier.

Whilst it is considered that this is a sensitive case given the applicants personal circumstances the development is contrary to both national and local planning policy protecting the countryside from additional residential dwelling units. Personal circumstances are rarely a determining factor when deciding a planning application and it is considered that the circumstances relating to this case would not justify granting permission contrary to adopted policy.

Impact upon the character and appearance of the area

The proposed change to the status of the existing annexe to create a separate dwelling unit will not have a detrimental impact upon the appearance or character of the area. The existing building relates well to the existing street-scene and neighbouring residential properties. The property is well screened from view by large trees and vegetation to the west, north and east and is not considered to be prominent within the landscape. The subdivision of the site and creation of a separate curtilage for the building is unlikely to materially harm the amenities of the surrounding area.

Highways/Parking

Matters such as highway safety and parking provision were considered to be acceptable during planning application W03507/15. This application is not proposing to alter these matters. The Highways Officer raises no objection to the scheme. If consent is granted a condition should be included requiring the applicant to demonstrate that vehicle parking and turning are satisfactory.

Amenity considerations in relation to the main dwellinghouse.

The annexe building is located to form a cluster of buildings in relation to the main dwelling-house, at its nearest point the annexe is within 11metre of the house. The annexe is not considered to have a detrimental impact upon the residential amenity of the main dwelling-house in terms of direct overlooking, loss of light or overshadowing.

Recommendation

Refuse Application for the following reasons.

Refusal Reasons.

- 1 The proposed development is contrary to policies C2, H10 of the Hampshire County Structure Plan and policies H3 and H4 of the Winchester District Local Plan, in that it would:

represent an additional dwelling-house for which there is no overriding justification in an area of countryside;

Informatives:

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

Hampshire County Structure Plan Review: C2, H10
Winchester District Local Plan Proposals: H3, H4