

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	06/03040/FUL	Valid Date	4 October 2006
W No:	01393/15	Recommendation Date	20 November 2006
Case Officer:	Mr Neil Mackintosh	8 Week Date	29 November 2006
		Committee date	11 January 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Relief from condition 5 on planning permission W01393/14 (No development permitted by classes A B C D E of part 1 and Class A of part 2 of the order shall be carried out without the prior written consent of the Local Planning Authority)
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Site:	Little Haven Mayles Lane Wickham Fareham Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y	N	N	Y

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

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Item No: 03
Case No: 06/03040/FUL / W01393/15
Proposal Description: Relief from condition 5 on planning permission W01393/14 (No development permitted by classes A B C D E of part 1 and Class A of part 2 of the order shall be carried out without the prior written consent of the Local Planning Authority)
Address: Little Haven, Mayles Lane, Wickham, Fareham, Hampshire
Parish/Ward: Wickham
Applicants Name: Mr And Mrs R Southall
Case Officer: Mr Neil Mackintosh
Date Valid: 4 October 2006
Site Factors: Within Wickham Village Policy Boundary
Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Wickham Parish Council, whose request is appended in full to this report

It should be noted that an application for a conservatory at Little Haven is also referred to this Committee for determination.

Site Description

Little Haven is one of a group of four relatively modern houses in Mayles Lane. They form part of a continuously built-up frontage on the Western side of the Lane and have short rear gardens which slope gently down to the River Meon.

Beyond the river is a former railway line, now a public bridleway, on a high embankment. There are views of the application site from the bridleway, in particular where it bridges the River.

Proposal

This application is for relief from a condition applied to one of four houses when they were granted planning permission in 1998. The condition is as follows;
“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 Part 1 and Class A of Part 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.”

The reason given for this condition was;

“To protect the amenities of the locality and to maintain a good quality environment”

In summary, the condition withdrew the normal rights to extend the houses, add any addition to the roof, alter the roof, erect a porch, add outbuildings and erect a fence, wall or other means of enclosure.

Relevant Planning History

- June 1997** - Planning application submitted for four detached houses in Mayles Lane
- June 1997** – Environment Agency raise no objection but advise that; ‘It is unlikely that the Agency would consent to any buildings or fences within the byelaw distance’. (ie.8m of river)
- June 1998** – Planning permission granted for four detached 3-bedroom dwellings – condition applied withdrawing permitted development rights for house extensions, outbuildings and fences

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Winter 2000/2001 – serious flooding problems in Wickham but not, apparently, on this site.
2006

14 Jul - Application for rear conservatory submitted (same as current application)

07 Aug - Application for loft conversion, dormers and balcony submitted

08 Sep – EA object to conservatory

12 Sep - Loft conversion, dormers and balcony refused planning permission

04 Oct – Conservatory refused planning permission

04 Oct – Application for relief from condition (removal of permitted development rights) submitted

18 Oct – EA send further letter amplifying their objections to the conservatory

02 Nov – Application for conservatory resubmitted, with Flood Risk Assessment

15 Nov - EA raise no objection to removal of permitted development rights

28 Nov – Parish Council object to removal of PD Rights

28 Nov - Parish Council comment on conservatory but do not request that matter be determined by Planning DC Committee

07 Dec – Conservatory re-submission deferred by Planning Committee

07 Dec – EA reverses its decision on conservatory, raises no objection (letter received 12 Dec)

Consultations

Environment Agency:

“We have no comments to make concerning this application for relief of Condition 5 as the Environment Agency did not request this condition”

Representations:

Wickham Parish Council

“Object: it is important to impose restricted development rights to protect the amenity of Little Haven and neighbouring properties which have very small rear gardens and are in a sensitive area very close to the river”.

Three letters received objecting to the application for the following reasons:

Building in the back garden would block light to my house and garden, and impede views

The gardens are already enclosed by trees and this would cut out even more light

Building works would distract from the natural beauty of the area

It would give ‘carte blanche’ for development

Two letters of support received.

“We fail to see how any development carried out within the permitted development guidelines on these properties could have an impact on the neighbouring properties or the local environment”

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, E2, E16

Winchester District Local Plan Review

DP1, DP3, DP8

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 25 Development and flood risk

Supplementary Planning Guidance

Wickham Village Design Statement

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Planning Considerations

The issues to be considered here are;

- a) was the LPA correct to remove most Permitted Development Rights in 1998?
- b) has the situation changed in the intervening years to allow the restrictions to be lifted or relaxed?

Principle of development

At the time of the imposition of Condition 3 the Local Planning Authority was conscious of the fact that;

- a) the proposed houses would have relatively small gardens, close to neighbours and that normal PD allowances could potentially cause amenity problems and be generally detrimental to the area and
- b) that any buildings or other structures, including fences, in the back gardens would be within 8m of the River Meon and could, if erected without controls, impede flood flow routes and increase the risk of flooding elsewhere.

Impact on character of area and neighbouring property

Generally speaking, Permitted Development Rights relate to additions and alterations to the side or rear of properties, often away from the more 'public' elevations of houses. In this case, the rear garden of Little Haven is visible from the public bridleway following the old railway line but the public look down upon the site from an old railway bridge. It would be unreasonable to withhold all PD rights on the basis of the character of the area, particularly as other gardens bordering the bridleway have no such restriction.

Classes A and E of the Order allow for modest rear extensions and outbuildings, subject to height and other restrictions. Again, it would be unreasonable to withhold such development given that there is nothing exceptional about this particular rear garden, apart from its relatively small size and proximity to the River Meon. The height restrictions would limit the scale of outbuildings and extensions which would help to preserve the amenities of the neighbours and the wider area.

On balance, therefore, it is considered that it would be unreasonable to withhold all PD Rights from this property.

Flood risk

The Environment Agency has raised no objection to this application. Your officers have pointed out the implications of restoring PD rights, and the fact that extensions, outbuildings, walls and fences could be erected without the requirement for planning permission, but they state that; *"We would, however, like to advise that under the Southern Region Land Drainage and Sea Defence Byelaws the prior written consent of the Environment Agency is required for any works within 8 metres of the top of the bank of the River Meon, designated as 'main river'. This consent may not be forthcoming"*.

Without the support of the Environment Agency it would be unreasonable to withhold PD Rights on the basis of flood risk.

Highways/Parking

The restoration of Permitted Development Rights will not affect the highways/parking situation at Little Haven

Other Matters

Your officers consider that it was correct to refuse planning permission for a loft conversion, dormers and balcony at Little Haven.

If Classes B and C of Part One PD Rights, which relates to roof alterations and extensions, were to be removed part of this scheme could be carried out without the need for planning permission. This scheme was refused permission for the following reason;

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Development as proposed is contrary to Policies UB3 and E16 of the Hampshire County Structure Plan Review and Policies DP1 and DP3 of the Winchester District Local Plan Review in that;

- a) no design statement has been submitted,*
- b) the design fails to contribute to the quality of the built environment in that it would appear an unsympathetic and incongruous addition to the property which would have an adverse impact on the character of the area and*
- c) the proposal would have an adverse impact on neighbouring residential property by reason of increased potential for overlooking.*

For reasons b) and c) it is not considered appropriate to reinstate Classes B and C of Part One of the Order.

Recommendation

Application Permitted - subject to the following condition:

Condition

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 B and C of Part One of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

Informatives:

1. 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.

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

Hampshire County Structure Plan Review: UB3, E2

Winchester District Local Plan Review: DP3, DP8

3. Flood Defence Consent is required under the Southern Region Land Drainage and Sea Defence Byelaws for any works within 8 metres of the top of the bank of the River Meon. Application forms may be obtained from Development Control, Hampshire and Isle of Wight Area Office, Environment Agency, Colvedene Court, Wessex Business Park, Colden Common, Winchester, SO21 1WP.