

97 Harestock Road, Winchester

08/02727/FUL



Legend

Scale: 1:1250



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	25 February 2009
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Item

Case No:	08/02727/FUL	Valid Date	5 December 2008
W No:	01961/17	Recommendation Date	9 February 2009
Case Officer:	Mr Simon Avery	8 Week Date	30 January 2009
		Committee date	12 March 2009
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Erection of 1 no. three bedroom and 1 no. one bedroom semi-detached dwellings on land to the rear of 97 Harestock Road with associated parking/landscaping using existing access to Lovett Walk (RESUBMISSION)
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Site:	Warren Acres 97 Harestock Road Winchester Hampshire SO22 6NY
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Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
Y	N	N	Y	N	N	N

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

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 1
Case No: 08/02727/FUL / W01961/17
Proposal Description: Erection of 1 no. three bedroom and 1 no. one bedroom semi-detached dwellings on land to the rear of 97 Harestock Road with associated parking/landscaping using existing access to Lovett Walk (Resubmission)
Address: Warren Acres 97 Harestock Road Winchester Hampshire SO22 6NY
Parish/Ward: Littleton And Harestock
Applicants Name: Mr Andrew Smith
Case Officer: Mr Simon Avery
Date Valid: 5 December 2008
Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Littleton & Harestock Parish Council, whose comments are appended to this report. Also, a Councillor lives in the vicinity of the site and has objected to the proposal as a private local resident.

A previous application (ref: 07/03211/FUL, W01961/15) for two dwellings was withdrawn in 2008. The dwellings were proposed to be in one two storey 'L' shaped building set at an angle within the site, with a significant amount of the bulk located toward the northern side. The building was contemporary in design. It was considered that this proposal was too large for the size of the plot and would therefore appear cramped and incongruous in the street scene and would have been likely to result in the loss of boundary trees and vegetation which have an important amenity value. There was also concern that the building would have appeared overbearing and intrusive when viewed from adjacent gardens.

This second application proposes a smaller building, located more centrally in the site and at right angles to the boundaries. The design is again contemporary and the proposed building is to contain one 3 bedroom dwelling and one 1 bedroom dwelling.

Site Description

No. 97 Harestock Road is a detached two and a half storey house within a fairly large plot. The application site is part of the rear garden of this property. It consists of approximately 0.043 of a hectare of land at the end of the garden. Lovett Walk runs parallel with Harestock Road and a number of the properties on Harestock Road at this point back onto Lovett Walk. This road finishes just at the south east corner of the site and there is an existing access from Lovett Walk into the garden. Lovett Walk then links into a driveway which serves Nos. 3 and 4 Lovett Walk to the north. A public footpath also runs past the site adjacent to this driveway and joins Harestock Road and Rewlands Drive to the north and northeast.

The surrounding properties on Harestock Road are all large detached houses within generous plots of land. These houses vary in style but for the most part are constructed in red brick with pitched roofs. The dwellings in Lovett Walk are located on the south eastern side of the road. These are also detached brick houses and Nos. 2 to 4, which

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

are closest to the site, are all set at an angle to the highway. The garden of No. 97 Harestock Road is enclosed by very tall hedges, especially along the rear boundary adjacent to Lovett Walk, where the hedge is approximately 5.5 metres high, and the southern boundary adjoining the garden of No. 99 Harestock Road. The site contains a number of trees including two cypresses and a lime tree along the northern side boundary and a laburnum, goat willow and wild cherry along the eastern boundary facing Lovett Walk.

Relevant Planning History

79/00336/OLD - W01961/04: Erection of a dwelling - Permitted - 04/06/1979

92/00205/OLD - W01961/07: Bungalow and garage - Refused - 04/08/1992

93/00208/OLD - W01961/08: Dwelling - Refused - 02/12/1993

01/01802/FUL - W01961/10: Dormer window to existing garage roof - Permitted - 12/09/2001

01/02404/FUL - W01961/11: Single storey side extension and conservatory to side. Installation of 2 no. dormer windows - Permitted - 16/11/2001

07/03211/FUL - W01961/15: 1 no. three bed dwelling and 1 no. attached one bed dwelling and underground garage - Withdrawn - 03/03/2008

08/00966/FUL - W01961/16: Single storey side extension; alterations to existing balustrade and fenestration - Permitted - 11/08/2008

Proposal

The proposal is for a 1 bedroom unit (Dwelling A) and a 3 bedroom unit (Dwelling B) in one building. Dwelling A comprises the ground floor of the eastern half of the unit and also includes a basement. Dwelling B comprises the ground floor to the western half of the building, and the first floor. Parking is provided for both units inside the vehicular access. Separate private garden areas are provided for both units to the south of the building, with a larger area for Dwelling B. There is also proposed to be a communal garden area located to the north. The proposed building would be contemporary in design, to be finished in brick and white render with a flat roof on the two storey elements and sedum roof on the single storey element. A pitched roof section on the east elevation is to be tiled.

Consultations

Landscape

The garden plan submitted shows good use of trees to provide screening, and adequate space has been allowed for the existing boundary fence fronting on to Lovett Walk.

Environmental Protection

The development comprises housing with gardens. This is considered to represent the most sensitive end-use regarding vulnerability to the presence of contamination. Given this, the proposal involves a use that would be particularly vulnerable to the presence of contamination. Information held by this Service has not highlighted any potentially contaminative land uses located on or within the immediate vicinity of the development site. Given this, conditions should be attached to any consent granted in order to ensure that the proposed development is suitable for use and is not capable of causing unacceptable risks to human health and the environment. (Condition 19).

Highway Engineer

Whilst the principle of this proposal is acceptable from a highway point of view, I am slightly concerned about the car parking arrangements. The parking appears very cramped and awkward to gain access and egress. This will result in some inconvenience to users, but will not have any bearing on highway safety.

Drainage

No objections.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Environment Agency

Comment only: All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

Southern Water

No comments

Tree Officer

No objection. The submitted arboricultural information adequately considers all the trees that are likely to be affected by the proposals. If the method statement is followed properly, all retained trees should not experience any adverse effects. However a Laurel hedge to the north east will require some inconsequential remedial pruning (ca. 50cm) to accommodate the scheme. (Conditions 3 to 11).

Representations:

City of Winchester Trust

Objection:

- The footprint of the two properties has been reduced in size from the previous application, but the modern design is still not in keeping with other adjacent properties.
- The proposed parking on site is still limited and, if parking spills out into Lovett Walk, the extra vehicle movements could cause danger to people walking through as well as reduce the parking facilities for the current residents.
- Concern about the damaging effect on trees/screening of the site

Neighbour Representation

5 letters of objection for the following reasons:

- The completed site will be unscreened on 3 sides
- The submitted pictorial representation is misleading
- Overdevelopment of the plot
- Inadequate parking space
- Inadequate runoff
- Loss of sunlight
- Inaccurate plans
- Ownership of land outside access
- Inadequate access for service vehicles
- Danger to pedestrians on footpath
- Disruption due to construction traffic
- Proposal would detract from the appearance of the surrounding dwellings
- Unattractive building crammed onto a small site
- Proposal out of keeping with surrounding properties which are pitched roof and brick built
- Adverse impact on the nature, character and enjoyment of an open green attractive area
- The site is not marked for development in the Council's Housing Monitoring Report
- Proposal would create a precedent leading to the loss of the current level of amenity and property values

2 letters of comment:

- A pitched roofed building would be more visible than this proposal
- A single dwelling would be preferable
- On-site parking must be retained to prevent parking on Lovett Walk
- Planting to ensure adequate screening must be enforced
- Existing boundary planting needs to be protected

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Relevant Planning Policy:

Winchester District Local Plan 2006

- DP1, DP3, DP4, DP5, DP6, DP9, DP13, H3, H7, T2, T4

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Development

National Planning Policy Guidance/Statements:

- PPS1, PPS3

Principle of development

The principle of residential development is acceptable within the settlement boundary, subject to certain criteria.

Density and housing mix

The site area is 0.043 hectares and therefore the proposal equates to development at 46 dwellings per hectare. Whilst this is a high density in comparison with surrounding sites, particularly those on Harestock Road, it does reflect Government guidance in PPS3 which requires land to be used efficiently and complies with criterion (ii) of Policy H7 of the Winchester District Local Plan, which advocates a density of 30 to 50 dwellings per hectare. Therefore, it is not considered that development of this density would necessarily be unacceptable in this location if the design and layout is successful. This is discussed in more detail below.

The proposal is for a 3 bedroom and a 1 bedroom unit and therefore satisfies criterion (i) of Policy H7 which states that residential development should include a range of dwelling types and sizes with 50% of the properties provided as small units.

Impact on character of area

The proposed dwelling is contemporary in design. The surrounding dwellings are mainly traditional houses constructed of brick with pitched roofs. However, this context does not preclude the addition of a building of different style and appearance, as long as the new building is not unacceptably intrusive or harmful to the existing character.

The site is heavily enclosed by tall hedges, especially along the boundary fronting Lovett Walk, from where there would be public views of the site. Any building inserted onto the site would therefore, as long as this planting is retained, be well screened from view. There would be limited views of the building through the entrance and above the hedge. However, the eastern elevation of the building has been significantly reduced from the earlier scheme to just under 8 metres in width. This means that the bulk and mass of the building that may be visible above the hedge would not be excessive or dominate the plot, and a sense of space would be retained around the building. In this context, it is not considered that limited views of a contemporary building through and above the planting would be harmful or intrusive but in fact would add interest to the street scene. PPS3 states that *'If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.'* (Paragraph 50). The existing vegetation is, however, considered important to the proposal to soften and screen the building and to prevent unbroken views of it in the street scene. The Council's Arboricultural Officer has confirmed that, although the hedge will have to be reduced in width, it can be successfully retained and will provide screening. In this regard, a condition (Condition 4) has been attached to ensure that the hedge is protected and replacement planting inserted if necessary. It is therefore considered that the proposal, in terms of design, scale and layout, would not detract from the character and appearance of the local environment.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Trees

The trees proposed to be removed, a goat willow and a wild cherry, are not considered to provide individual amenity value sufficient to warrant refusal of the scheme. The proposed landscape scheme is considered to be appropriate and makes good use of new planting to provide screening and to add greenery to the site.

Impact on residential amenity

The proposed dwellings will be located towards the northern side of the site. At the closest point, the dwelling will be just over 2 metres from the northern side boundary. This element of the building is, however, single storey and the two storey section will be 5.5 metres from this boundary. The northern boundary is enclosed by a mixture of trees, hedges and fencing, but there are gaps in the planting which would allow the new building to be seen from the adjacent garden of No. 95 Harestock Road. The previous application that was refused proposed a building which was in closer proximity to this boundary, particularly towards the north east corner where it would have come within a metre of the boundary at two storey height. This was considered to be unacceptable as it would have appeared overbearing and intrusive when viewed from this adjacent garden. As the proposed building has been set back from the boundary, especially the two storey element, it is considered that it would not appear overbearing or unacceptably intrusive. There is a two storey dwelling called Beech Rise adjacent to the other side of the rear garden of No. 95, which is in fairly close proximity to the boundary, and it is not considered that the proposal would be any more intrusive on the neighbour's garden than this building.

The northern elevation of the proposed building would have three first floor windows, all serving bathrooms. These would all be obscure glazed with the main section of each window being non-opening (Condition 13). In these circumstances, it is not considered that there would be any potential for a significant degree of over looking onto the garden of No. 95 Harestock Road.

The proposed dwelling would be located to the south of the garden of No. 95, and might result in the loss of some sunlight to this garden. However, because the new building is now set further away from this boundary, and as this neighbouring garden is quite large, the amount of light lost from this garden would not be significant enough to warrant refusal.

The proposed boundary for the site to the west will be 2 metres from the new building and just over 14 metres from the existing house, No. 97 Harestock Road. This will be enclosed by a fence and additional planting will be added. A generous amount of garden will be retained for No. 97 and it is not considered that the new building would be overbearing when viewed from this garden area. There will be two first floor windows facing No. 97, one on the elevation within two metres of the boundary, and the other set back just under 9 metres on a section of the building that projects out to the south. Both these windows will have obscure glazed top sections which will restrict views towards the remaining garden of No. 97 (Condition 13). In these circumstances, it is considered that the privacy of No. 97 will be retained.

The proposed building will be 7.7 metres from the southern boundary at the closest point and 10.2 metres at the furthest point. This boundary, like the one facing Lovett Walk, is also very heavily enclosed by hedging. In these circumstances, and given the greater distance of the building from the boundary, it is not considered that the proposal would

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

appear overbearing or result in any loss of privacy.

Amenity space

The proposed layout provides a private garden area of 86 square metres for Dwelling B and 82 square metres for Dwelling A. In addition to this, both dwellings will share the small communal garden area to the north east of the building. The proposed garden areas are quite modest in size, but it is considered that they will provide an adequate amenity space for both dwellings.

Highways and parking

The proposed communal parking provides two spaces for the larger dwelling and one for the smaller unit. The Highway Officer has noted that the parking appears cramped and may result in some inconvenience to users. Whilst it is accepted that it would be more appropriate if there were a larger area for vehicles to manoeuvre on-site, and that the arrangement could potentially result in vehicles being parked off-site, it is not considered that the parking arrangements would affect highway safety and therefore a reason for refusal could not be substantiated on these grounds.

Other matters

Concern has been raised about inaccuracies on the plans. However, it is considered that the plans as submitted are sufficiently accurate in order to be able to assess the proposal and additional information has been submitted to illustrate the changes in levels between the site and neighbouring gardens.

Service vehicles will be able to access the site frontage on Lovett Walk.

Disruption that may arise due to construction traffic and loss of local property value are not planning considerations.

The site is not marked for development in the Council's Housing Monitoring Report, but this does not preclude it from development, as it is within the settlement boundary.

Conclusion

In summary, it is considered that the proposal is acceptable and the application is recommended for approval.

Recommendation

APPROVE – subject to the following conditions:

Conditions/Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development 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.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3. 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.

Any trees indicated for removal shall be replaced, taking into account recommendations detailed in Arboricultural Impact Appraisal and Method Statement reference CBA7036 V2. Details of the size, species and positions or density of all trees to be planted, and the proposed time of planting shall be provided to the Local Planning Authority for approval.

If, within a period of 2 years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority gives its written consent.

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

4. The existing hedges on the southern and eastern boundaries shall be retained, apart from the area of the hedge on the eastern boundary to be pruned as specified on the approved CBA Tree Protection Plan ref. CBA7036.03. If these hedges die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, they shall be replaced by others of the same species in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that hedges are permanently retained to preserve the appearance of the site in the interests of visual amenity.

5. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference CBA7036 V2 & Drawing CBA7036.03A, written by CBA Trees and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

6. The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with CBA7036 V2 & Drawing CBA7036.03A. Telephone 01962 848317.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

7. The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre-commencement site visit can be carried out. Telephone 01962 848317.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

8. No arboricultural works shall be carried out to trees other than those specified, and in accordance with Method Statement CBA7036 V2.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

9. Any deviation from works prescribed or methods agreed in accordance with Method Statement CBA7036 V2 & Drawing CBA7036.03A shall be agreed in writing with the Local Planning Authority.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

10. 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.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

11. Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root systems.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no first floor windows other than those expressly authorised by this permission shall, at any time, be constructed in the north, south or west elevations of dwellings hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

13. The first floor windows in the north and west elevations of the dwellings hereby permitted shall be glazed in obscure glass and thereafter retained. The top lights in the first floor windows on the north elevation shall also be non-opening and retained in that condition.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Reason: To protect the amenity and privacy of the adjoining residential properties.

14. Detailed proposals for the disposal of foul and surface water 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 dwellings hereby permitted are first occupied.

Reason: To ensure satisfactory provision of foul and surface water drainage.

15. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway 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 duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

16. 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.

Reason: In the interests of highway safety.

17. The proposed access and drive shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory means of access.

18. The one bedroom unit hereby approved shall be completed before the three bedroom unit hereby approved is first occupied. The two units shall not at any time be combined to form one unit.

Reason: To ensure the provision and retention of small units of accommodation as required by Policy H7 of the Winchester District Local Plan.

19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

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:-

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, DP6, DP8, DP9, DP10, DP11, DP13, H3, H7, T2, T4, RT4.

3. The applicant is advised that a licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

4. 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.

5. 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.