PLANNING DEVELOPMENT CONTROL COMMITTEE

23 April 2009

SUMMARY OF PLANNING APPEALS DECEMBER 2008 - MARCH 2009

Report of the HEAD OF PLANNING CONTROL

Contact Officer: John Hearn/Dave Dimon Tel No: 01962 848354/848191

RECENT REFERENCES:

PDC777 - Planning Appeals - June - November 2008 - 11 December 2008

EXECUTIVE SUMMARY:

This report provides a summary of appeal decisions received during the period from December 2008 to March 2009. Copies of each appeal decision are available from the Council's website.

RECOMMENDATION:

That the Report be noted.

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23 April 2009

<u>SUMMARY OF PLANNING APPEALS DECEMBER – MARCH</u>

Report of the HEAD OF PLANNING CONTROL

Date	8 th December 2008
Site	1 Westman Road, Winchester
Ref no:	08/00901/FUL
Decision	Dismissed
Proposal	Conversion of existing dwelling to 1 no. one bedroom dwelling and 1 no. two bedroom dwelling; construction of a new three bedroom detached dwelling (AMENDED DESCRIPTION)
Summary	While the Inspector acknowledged that the proposal would make good use of previously developed land, local and national policy indicates that this should not be at the expense of the character and appearance of the area. The proposed new dwelling would be set forward of the building lines in both roads. It would occupy much of the present open garden area of the existing dwelling and, therefore, would appear cramped in relation to both this dwelling and the site boundaries. In view of its prominent corner location, its failure to respect building lines and its elevated position, it would intrude significantly onto the street scene, adversely affecting its established spacious character. Having regard to the size and siting of the proposed new dwelling, the Inspector considered that it would result in a significant overbearing visual impact on, and loss of daylight and sunlight for, the residents of Nos 1 and 1a. Nos 1 and 1b would also experience mutual overlooking, although a condition requiring obscure glazing in all north facing windows in No 1b would resolve this. DEL WR (see glossary at the end of this report)

Date	11 th December 2008
Site	Mill Cottage, High Street, Meonstoke
Ref no:	07/03202/FUL
Decision	Dismissed
Proposal	Detached double garage and new access onto High Street
Summary	The Inspector concluded that the erection of the proposed garage and stopping up of the existing access onto the High Street would be an improvement on existing highway grounds. However, the likely impact upon a Walnut and Pear tree is a major concern as the trees are important both in themselves and also in relation to their combined effect on the character and appearance of the area, having regard to

the site's location in a conservation area.
The Inspector concluded that the proposed development would potentially result in the loss of trees to the detriment of the character and appearance of the conservation area.
DEL IH

Date	16 th December 2008
Site	Longscre Cottage, Clease Way, Compton, Winchester, SO21 2AL
Ref no:	08/01535/FUL W07795/06
Decision	Dismissed
Proposal	Change of use of first floor of detached garage for use as a beauty salon
Summary	The Inspector concluded that the proposed development would not adversely affect the character and appearance of the surrounding area. The Inspector was satisfied that the living conditions of neighbouring residents and highway safety would not be adversely affected by the proposed development. In addition, he considered that it would not have a significant effect in sustainability terms and therefore complies with policies DP3 and SF1 in these respects. However, having regard to the substandard junctions of Otterbourne Road with Hurdle Way and Shepherds Lane, and the level of the existing traffic, the Inspector considered that the proposed development would have a cumulative effect that would exceed the safe capacity of the junctions. DEL WR

Date	23 rd December 2008
Site	16 North Drive, Littleton, Winchester, Hampshire, SO22 6QA
Ref no:	08/01700/FUL
Decision	Allowed
Proposal	Two storey side extension to provide family room, additional bedroom with ensuite; internal works; small extension to utility room.
Summary	The Inspector considered that, having regard to the existing situation, the distances involved, and the boundary screening, that the proposal would not have an unacceptable impact on the residential amenity of the neighbouring occupants.
	DEL WR

Date	30 th December 2008
Site	Bolt House, Love Lane, West Meon, Petersfield, Hampshire, GU32 1HS
Ref no:	08/00404/FUL
Decision	Dismissed
Proposal	First floor front extension and single storey side extension

	(RESUBMISSION).
Summary	The Inspector considered that given both the extension's position at the front of the dwelling and the degree of protrusion from the main front elevation, the additional storey now proposed would appear unduly dominant and bulky. Furthermore, It would be out of keeping with the appearance of nearby properties, in which large front-facing two storey extensions are not characteristic features. These harmful effects would be easily seen from Love Lane and would also be apparent in longer distance views towards Bolt House across the valley, and would have a detrimental impact on the AONB.
	Turning to the issue of the impact of the proposal on the residential amenity of the neighbouring property, the Inspector also considered that in this regard the proposal would be unacceptable. More specifically, whilst the Inspector was satisfied that the proposal would not result in an unacceptable degree of overlooking, he did consider that it would inflict an overbearing impact on the neighbouring property and would appear oppressive when viewed from the affected windows. CTTE WR (Officer recommended approval)

Date	31 st December
Site	Erasmus Park Student Village, Easton Lane, Winchester, SO23 7XA
App Ref:	07/01917/FUL
Decision	Allowed
Proposal	72 no. single bedroom student accommodation in 5 storey block including associated facilities and parking.
Summary	The Inspector considered that in terms of design, the incorporation of various materials, as well as the large corner bay windows, would be sufficient to break up the bulk of the building. Furthermore, the Inspector considered that as a result of the site's sloping nature, the new building would only be marginally higher (some 2-3 metres) than the neighbouring accommodation block, and as a result the scheme would not appear materially more dominant than its neighbour. In addition, given that the building would also be seen in the context of buildings in the industrial estate, which are of a variety of types and designs, the Inspector was satisfied that the block would not appear either incongruous or out of keeping. The Inspector was also satisfied with the level of amenity space being provided. DEL WR

Date	5 th January 2009
Site	Land at Old Orchard, Compton Street, Winchester, SO21 2AT
Ref no:	08/00029/FUL W14013/05
Decision	Allowed
Proposal	Demolition of existing dwelling and outbuildings; erection of 1 no. detached six bed dwelling and 1 no. detached seven bed dwelling; landscaping and associated works and access

Summary	The Inspector concluded that when taking into account other permissions for the site, the surrounding landscaping and relationship to surrounding dwellings, the scheme accords with policies DP3, H4 and HE5. The proposal would respect the key elements of the built form of the conservation area and it was therefore considered that the character and appearance of the area would be preserved. In addition to this, the setting of the surrounding listed buildings would be preserved.
	The Inspector agreed that the degree of separation from Yew Tree Cottage is sufficient in order to safeguard the living conditions of its occupiers. Also the traffic likely to result from this proposal would not have a material impact on the highway. CTTE WR (Officer recommended approval)

Date	5 th January 2009
Site	Land at Old Orchard, Compton Street, Winchester, SO21 2AT
Ref no:	07/01591/LBC W14013/04LBCA
Decision	Allowed
Proposal	Demolition of dwelling and outbuildings
Summary	It was considered that the existing building has no architectural or historic importance and therefore no objection to the principle of demolition subject to an acceptable replacement being provided. CTTE WR (Officer recommended approval)

Date	16 th January 2009
Site	Midlington Farm, Midlington Hill, Droxford, SO32 3PU
App Ref:	07/02653/FUL W16934/07
Decision	Dismissed
Proposal	Erection of equestrian workers dwelling
Summary	The Inspector considered that there is a need for on-site supervision and that the keeping of 19 full/part-time liveries at Midlington Farm provides a functional need for a person to live on site. Therefore, the Inspector concluded that the requirements of Criterion (ii) of policy CE20 is met. He also agreed it is improbable that the dwelling occupied by the appellant and his wife or any of the properties in nearby Droxford would be likely to meet the required level of on-site supervision. Likewise, the requirements of paragraph 3 (i) (iv) to Annex A of PPS 7 would also be met. The Inspector did not considered the minor visual impact of the dwelling to be sufficient reason on its own to withhold the permission. However, the Inspector considered that the application should be dismissed on the basis that, although there may be a functional need for a dwelling on the site, which would not be met by the appellants existing property at Soberton, he was not convinced that the

information provided regarding the financial viability of the enterprise was sufficient to allow the erection of a permanent dwelling.
DEL IH

Date	20 th January 2009
Site	Clelands, Churchill Close, Kings Worthy, Winchester
Ref no:	08/00439/FUL
Decision	Allowed
Proposal	6 no. two bed, 4 no. three bed and 2 no. four bed challet bungalows to replace existing dwellings at Clelands and Gambut
Summary	The Inspector stated the main issues to be the effect of the proposed development on the character and appearance of the area, and its effect on the aims of policy to provide or improve recreational open space.
	The Inspector felt that the proposed development would make effective use of the site. The appearance of the chalet bungalows would constitute development of individual character and innovative design, which is encouraged by the Kings Worthy Village Design Statement. Therefore, the proposed development would not be harmful to the character and appearance of the area, and it would not conflict with Policy DP.3 of the Winchester District Local Plan Review.
	CTTE (Officer Recommended Approval) WR

Date	20 th January 2009
Site	Site 1, Parklands Business Park, Forest Road, Denmead
App Ref:	08/00375/OUT
Decision	Dismissed
Proposal	32 no. two bedroom apartments in 4 x two storey blocks with parking spaces and cycle spaces(OUTLINE-considering access and layout).
Summary	The Inspector noted that the Council could not demonstrate that it had a rolling five year supply of housing and that the SEP anticipates an upward trajectory of housing delivery to meet the needs of the District and the region. However, the Inspector felt that he had no reason to consider that such a trajectory could not be delivered by, for example, the cumulative housing provision resulting from current site commitments, the realisation of existing and suitable LP allocations, the release of current strategic reserve sites and the planned identification and release of currently unallocated housing sites which may take into account the aims of the Partnership for Urban South Hampshire. In terms of the suitability of the site for housing, the Inspector was not persuaded that it was a suitable site. More specifically, he considered that the development would be an incongruous residential enclave whose separation from the main village would not readily encourage social or physical integration with the wider community. In addition, the

Inspector considered that the potential to walk or cycle to the village centre was a significant material consideration, and was not sufficient to weigh significantly in favour of the proposal.

In terms of design and layout, the Inspector noted that the design was heavily influenced by the previous permission for offices in 2003. He considered that this was not a sound basis on which to base a development of new residential accommodation. Furthermore, the Inspector stressed that the development would be very hard in visual terms, and would be dominated by carparking. The Inspector concluded that the proposal would not deliver good quality housing.

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Date	22 nd January 2009
Site	The White House, Vicarage Lane, Curdridge, SO32 2DP
Ref no:	08/00118/OUT W07156/10
Decision	Dismissed
Proposal	Two storey specialist dementia nursing unit – 60 bedrooms
Summary	The Inspector concluded that this proposal would not be a sustainable or acceptable form of development due to its countryside location and the access implications for the staff and visitors which would increase the need for car borne trips. Therefore, the scheme would be contrary to the objectives of RPG9 in terms of the location of new development and also to those of PPS1, PPS7 and PPG13. In addition to this the Inspector considered that the proposed development would be contrary to the intentions of CE4 and DP3 of the Winchester District Local Plan Review 2006, which seek to maximise the use of public transport. The Inspector considered that the other material considerations put forward (such as need) by the appellant were not sufficient to overcome the conflict of the proposal with the policies outlined above. DEL IH

Date	30 th January 2009
Site	Home Farm Equestrian, Reading House Lane, Curdridge, SO32 2HE
App Ref:	08/00224/FUL W01903/22
Decision	Allowed
Proposal	Partial conversion of barn to form 1 no. one bedroom dwelling for equestrian worker (RESUBMISSION)
Summary	The Inspector considered that this development would warrant a temporary permission under the criteria set out in CE22 of the local plan and PPS7. The Inspector considered that the provision of a modestly sized, 1-bedroom residential unit, with a floor area of some 55 square metres, within the barn/stable block housing the animals being supervised, is perfect for the use intended. Just as the existing house is related to the holding, this unit would be inextricably linked with the barn/stable block complex within which it is integrated. Not

only would such an arrangement facilitate the full-time care of horses but would enable the appellant to attract a groom with the required qualifications and experience with the offer of on-site accommodation. This would also promote the further expansion of the business. With such support, the existing 10 loose boxes could be devoted to the more lucrative convalescent livery and the opportunity could be taken to provide a further 2 stalls in the stable block.
DELIH

Date	30 th January 2009
Site	Carle End, School Lane, Headbourne Worthy, Winchester, SO23 7JX
App Ref:	08/00771/FUL
Decision	Dismissed
Proposal	Detached two bed dwelling within curtilage of Carle End.
Summary	The Inspector considered that the proposal failed to meet the requirements of policy H4. Furthermore, the proposed development would be a substantial structure and would not have the justification of being ancillary to Carle End, in terms of criterion (i) of Policy CE3. Although within an existing curtilage, the development would bring a new building and associated hardstandings into open land, and would thus erode the primary function of the Local Gap to keep land open and free of development. Even though the house would be of a smaller scale than the host dwelling, and its visual impact would be reduced by setting the building into the landscape and the screening afforded by vegetation it is not a sound argument that such development should be allowed even though the development would be unobtrusive, in an area where development is restricted in principle; that could be repeated too often. The inspector did not uphold the highways reasons for refusals.

Date	2 nd February 2009
Site	Anmore House, Soake Road, Denmead, Waterlooville, Hampshire, PO7 6HY
App Ref:	08/00213/FUL
Decision	Dismissed
Proposal	Replacement 1 no. 5 bedroom dwelling
Summary	The appeal proposal involves virtually doubling the footprint of the existing dwelling (excluding basement). As a consequence the Inspector considered that the proposed dwelling, albeit of impressive design, would be visually intrusive and prominent in the open landscape. More significantly, the building would be re-located to the north of the existing dwelling and re-aligned on an east-west axis across the depth of the site. The Inspector did not regard this arrangement as cramped, but it would have the effect of isolating the proposed Anmore House from the development cluster to the south. Furthermore, it would result in development protruding into the pocket

of countryside formed by the northern portion of the appeal side and the smallholding on the opposite side of Soake Road, thereby eroding the openness of the Local Gap, contrary to Policies CE2 and CE3 of the local plan.

The Inspector considered that the proposal would not have a detrimental impact on any adjoining residents, nor would it result in a cramped form of development. In addition, the Inspector considered that the concerns about the lack of information submitted and a requirement for more landscaping could be overcome by way of conditions.

DEL WR

Date	11 th February 2009
Site	The Barn, Church Lane, Durley, Hampshire
Ref no:	08/00409/FUL
Decision	Dismissed
Proposal	Change of use of barn to live work unit with associated landscaping parking and access arrangements (RESUBMISSION)
Summary	The Inspector felt that the proposal would involve the provision of a new dwelling in an isolated and unsustainable location in the countryside. It would have a harmful effect on the open landscape by consolidating and reinforcing the residential character and appearance of nearby development through increased activity and domestic paraphernalia without there being compensatory benefits to the rural economy which would be sufficient to outweigh that harm. DEL IH

Date	12 th February 2009
Site	Farfield, Lordswood, Highbridge, Eastleigh, Hampshire, SO50 6HR
App Ref:	08/01055/FUL
Decision	Dismissed
Proposal	Raising roof, 4 no. dormer windows, extensions and roof alterations to create rooms in roof
Summary	The proposal involved extending a property with a floorspace of 108 square metres by approximately 87%. The Inspector considered that the design and materials of the proposed development would be acceptable, and that it would not be intrusive in the landscape or in terms of the privacy of neighbours. However, none of these matters, nor any others submitted, would outweigh the fundamental conflict with the aim of Policy CE.23 to retain a stock of small dwellings in the countryside in order to provide a housing mix to meet local needs. DEL WR

Date	17th February 2009
Site	13 Ashton Close, Bishops Waltham

Ref no:	08/01986/FUL
Decision	Dismissed
Proposal	Conversion of dwelling into 2 no. two bed dwellings (RESUBMISSION) (AMENDED DESCRIPTION)
Summary	In the Inspector's opinion, the enclosure of the open plan front garden would cause unacceptable harm to the important open character and appearance of the area and would conflict with the aims and objectives of LP Policy DP.3 The Inspector considered that the smaller of the two converted dwellings would have no rear garden and only a relatively small front garden, which would not be in accordance with the requirements of
	policies DP3 and DP5 of the Winchester District Local Plan Review 2006. The Inspector considered the parking provisions of one space per dwelling to be inadequate, thereby leading to an increase in on-street parking which would be detrimental to highway safety, contrary to LP Policy DP.3.
	DEL WR

Date	20 th February 2009
Site	Warden Hill, Stockbridge Road, Winchester, SO22 5JH
Ref no:	08/01726AVC
Decision	Dismissed
Proposal	1 no. externally illuminated trellis mounted sign, 2 no.
	externally illuminated wall mounted name signs, and 3 no. 6m high
	flagpoles.
Summary	The Inspector considered the flagpoles would present a most inappropriate feature in the streetscape. Despite the large scale commercial development being undertaken to the south, the appeal site is a residential development set within a residential context. The flagpoles would introduce a commercial element which would stand out as an incongruous feature among the tree screen.
	The Council considered the entrance signs mounted on brick plinths either side of the site entrance to be overlarge, the Inspector shared their concerns and considered that such prominent signs are more appropriate in a commercial setting and that the signs fail to respect the residential locality and the contribution of the tree screen. The signs would appear as intrusive features in the streetscape.
	The Inspector considered that the trellis mounted sign positioned at the northern end of the site would be remote from the vehicular site entrance and the host buildings and therefore its location would cause it to appear anomalous in this residential setting.
	DEL WR

Date	23 rd February 2009
Site	Rusdene Services, Meon Hut Service Station, West Meon, GU32 1JN
App Ref:	08/01455/AVC
Decision	Dismissed
Proposal	Erection of 1 no. internally illuminated double-sided free standing display unit and 1 no. internally illuminated single sided free standing display unit.
Summary	The Inspector considered that the erection of 2 additional signs would intensify the commercial presence in this isolated rural area to the detriment of the visual amenity of the landscape. This is particularly undesirable in view of the AONB status. DEL WR

Date	23 rd February 2009
Site	Murco Petroleum Ltd, Bar End Filling Station, Bar End Road, SO23 9NP
App Ref:	08/02052/AVC
Decision	Allowed
Proposal	2no. internally illuminated single sided free standing display units (Retrospective).
Summary	The Inspector did not consider the site to be overloaded with signage and the appeal signs would be positioned comfortably and relatively unobtrusively against the boundary wall. The Inspector considered that the signs can be absorbed within the site without detriment to visual amenity.
	DEL WR

Date	24 th February 2009
Site	Kirtling House, 52 Chilbolton Avenue, Winchester, Hampshire, SO22 5HQ
App Ref:	07/03184/FUL
Decision	Dismissed
Proposal	Demolition of kirtling house and the erection of 12 no. residential units; 2 no. four bedroom detached, 4 no. 4 bedroom semi detached, 6 no. two bed flats; garaging, car parking and landscaping.
Summary	The Inspector considered that the proposed block of flats is well designed in itself. However, it plainly would not reflect the form and character of domestic buildings along the avenue, and would have rather bulky proportions and include repetition of design features in the facades. In these respects it would echo the somewhat institutional character of the existing flats to the south and, in effect, would form a continuation of this form of development. Therefore, the Inspector considered that the proposal would be inappropriate in this context as it would accentuate the strong impact of the existing flats in the street scene, and harm its existing character and appearance of the area.

The Inspector determined that the proposal would have an unacceptable overbearing impact on Yew Tree Cottage. In relation to the other concerns raised in relation to impact on adjoining dwellings, the Inspector did not consider that these would be significant enough to be objectionable.
DEL IH

Date	26 th February 2009
Site	Balldown Caravan And Camping Site, Stockbridge Road, Sparsholt
	Winchester
Ref no:	08/00321/FUL
Decision	Dismissed
Proposal	Change of use of land from non residential touring caravan park to static mobile home park (8 units) for holiday use (1st of March to 31st January); retention of site manager's mobile home and site office
Summary	The installation of permanent holiday homes would represent a significant intensification of permanent building in what is at present an open area. Because of their close proximity to each other and to the site boundaries the homes would be seen from viewpoints outside of the site (in long views from Westley Lane and from the field footpath to the west) as a single bulk of building, although the lower parts would be screened by hedging. In some ways the development would be similar to forms of building evident in the commercial site opposite, but in relation to the adjacent open field and the wider landscape it would introduce structures harmful to the rural area and which would detract from the landscape framework. DEL IH

Date	26 th February 2009
Site	The Chimneys, 1 Burnett Close, Winchester, Hampshire
App Ref:	08/00279/FUL
Decision	Allowed, with partial award of costs.
Proposal	Erection of single and part two-storey building to provide food store (Class A1), alterations to access, car park and landscaping (Site also includes No:2 and part of no. 3 Burnetts Close) (RESUBMISSION).
Summary	In relation to PPS6 the Inspector concluded that the proposal meets the tests set out in paragraph 3.4 of Planning Policy Statement 6: <i>Planning for Town Centres</i> , as it utilises previously developed land in an accessible location and is in accordance with LP Policy SF1.
	The Inspector agreed with the comments of the previous Inspector (Appeal ref: APP/L1765/A/05/1192212) and considered that the proposed building, although contemporary in design, would make a pleasing addition to the architectural vocabulary of the locality and be complementary to the Waitrose store and the other architecture in the local centre.

The Inspector noted the need to handle sensitively the visual transition between the Weeke local centre and the residential area. The Inspector noted that the proposal included twice as much landscaping as the previous proposal, and the former public house located on the site. The Inspector concluded that the proposed landscaping would enhance the local environment, and hence be in compliance with policy DP5. In terms of the impact of the proposal on the character of the area, the Inspector considered that the new building would not dramatically alter the character of the area, as it would be visually subservient to the Waitrose building, and due to the screening afforded by the mature trees in the area.

Turning the issue of the serving arrangements. The Inspector was concerned about the conflict between pedestrians and servicing vehicles, and also about the potential impact of servicing vehicles on highway safety along Stockbridge Road. However, the Inspector considered that this issue could have been dealt with satisfactorily by way of a condition.

The Inspector considered that a partial award of costs, limited to the work involved in preparing the evidence in connection with the servicing issue should be paid by the Council.

CTTE PI (Officer recommended approval)

Date	26 th February 2009
Site	Barn At Beechleigh, Southwick Road, Wickham, Hampshire
App Ref:	07/02678/FUL
Decision	Allowed
Proposal	Change of use from store to beauty salon (RETROSPECTIVE)
Summary	The Inspector stated that he was satisfied that the effective and efficient use of the appeal building, governed by the limited, hobbytype status of the appeal use are benefits that outweigh the questionable sustainability of the location. DEL WR

Date	4 th March
Site	J J Nurseries, Station Road, Soberton, SO32 3QU
App Ref:	08/01160/FUL
Decision	Allowed
Proposal	Residential mobile home for temporary agricultural accommodation (RETROSPECTIVE)
Summary	The Inspector considered that as the matter stands this intrusive development fails to accord with national and local policies that provide protection for the AONB from inappropriate and harmful developments. The mobile home proposed (which would replace the existing structure currently located on the site) would be somewhat smaller than the

existing mobile home, but the Inspector considered that it would not appear significantly less intrusive that the existing. Therefore, the Inspector considered that there were sound reasons not to allow the appeal unless there were exceptional circumstances that justify the stationing of the mobile home for the limited period sought in the application.

With reference to the reason for refusal concerning the failure to provide information in order to justify the use of the mobile home in connection with the enterprise in question, the Inspector drew attention to the decision of the Council not to request more information, and as a result the Inspector considered that there was no basis for this reason for refusal.

The Inspector considered that the level of investment which the applicants had made in the enterprise, and the difficulties they had experienced in developing the enterprise as a result of the illness suffered by the appellant's wife, was sufficient to justify setting aside local and national policies restricting the extension of temporary permissions.

DEL IH

DEL Delegated decision CTTE Committee decision

WR Written representations

IH Informal hearing PI Public inquiry