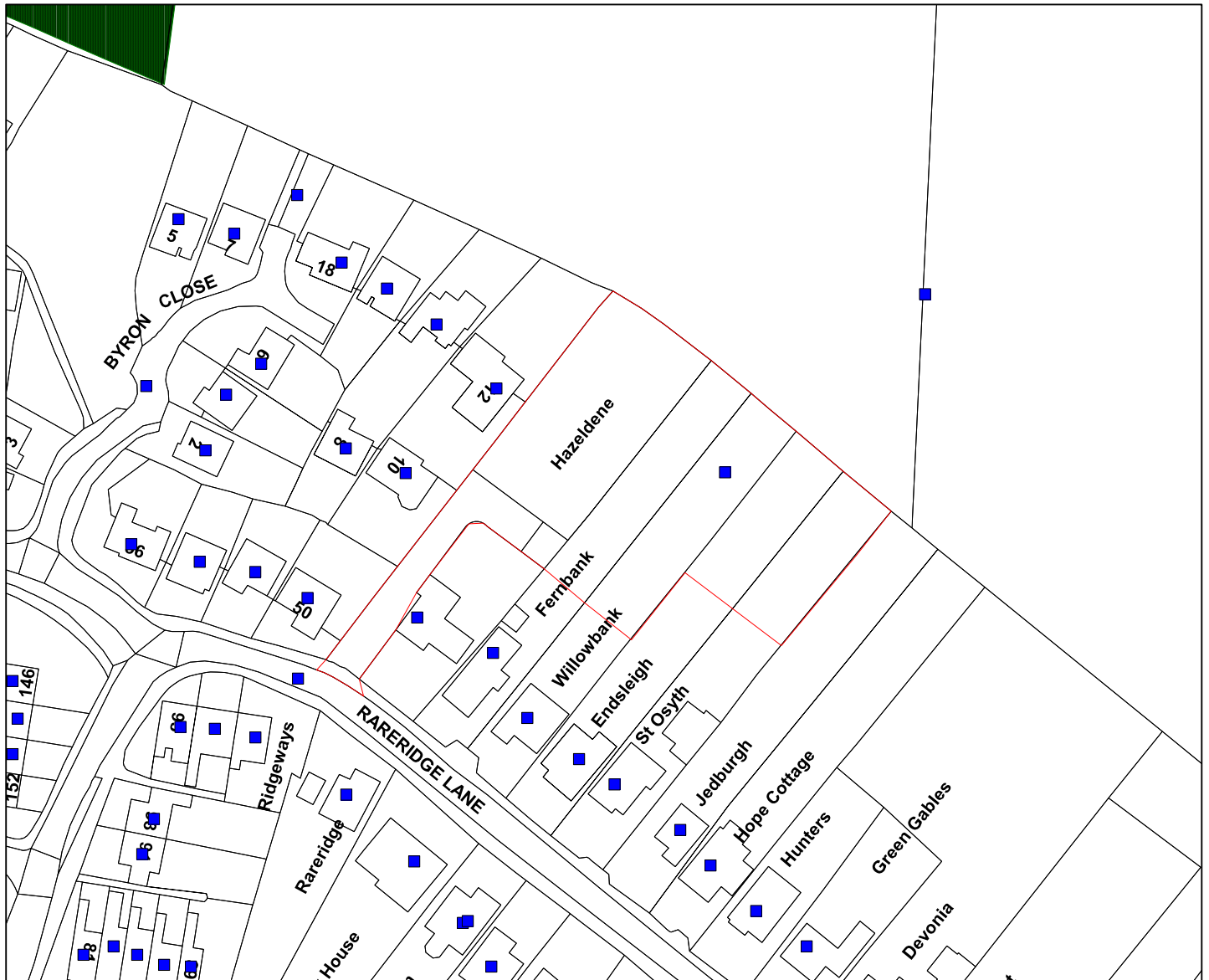


Hazeldene, Rareridge Lane, Bishops Waltham



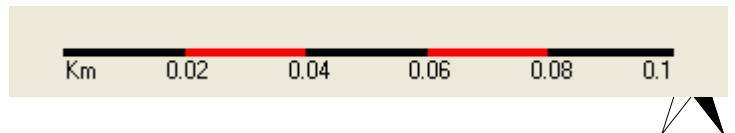
Winchester
City Council

09/02474/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 February 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 2
Case No: 09/02474/FUL / W05135/05
Proposal Description: Residential development to provide 8 new dwelling houses with associated garages and car parking and formation of new access from Rareridge Lane (Resubmission).
Address: Land To The Rear Of Properties Hazeldene To St Osyth Rareridge Lane Bishops Waltham Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Mapledean Developments Ltd
Case Officer: Mr James Jenkison
Date Valid: 21 December 2009
Site Factors:

Recommendation: Application Permitted

Appended

Appeal decision APP/L1765/A/08/2081946, in respect of planning refusal 08/01204/FUL.

General Comments

This application is reported to the Committee because of the number of objections received.

A previous application for the same proposal (ref: 08/01204/FUL) was refused by the Committee on 24 July 2008, for the following reasons:

1. The application was considered to be contrary to Policy DP.3 of the Winchester District Local Plan Review, in that it would represent an unacceptably suburban and cramped form of development, including houses on small plots with limited private amenity space, particularly in respect of Plots 1-5. As a result, the scheme did not reflect, or respond positively to, the character of the existing residential development in Rareridge Lane to the south and east of the site.
2. The proposal was considered to be contrary to Policy RT.4 of the adopted Winchester District Local Plan Review 2006, in that it failed to make adequate provision for public recreational space to the required standard, and would therefore be detrimental to the amenities of the area and would undermine the Plan's policies for recreational open space provision with the District.
3. The proposal was considered to be contrary to Policy DP.9 of the Winchester District Local Plan Review in that it failed to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

The refusal was appealed and was only dismissed by the Inspector because a legal mechanism had not been established for the payment of financial contributions for

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public open space, in accordance with Policy RT4 (Refusal reason 2). In all other respects, the Inspector found the scheme to be acceptable and did not accept the Council's view that the proposal would represent an unacceptably suburban and cramped form of development, or the claim that plots were too small and had too little private amenity space. The Inspector considered that the proposal achieved an effective synthesis between the respective patterns of development to the east and west of the application site, would allow a reasonable measure of space around dwellings, was no more cramped than the existing arrangement, provided an acceptable size and quality of private amenity space and represented a comfortable domestic design, appropriate to its context. The Inspector also considered that the proposal would not materially harm the amenities of nearby residents.

Since the appeal decision, work is now in progress for a loft conversion with dormers and roof lights to front and rear at No. 10 Byron Close (ref: 09/00892/FUL). However, this has not materially altered the context of the proposal or its impact on that neighbouring property, as the only sidewall window of the proposal at No. 10 Byron Close is a secondary circular window, and this faces over the garage for Hazeldene further to the south of the application site.

The development subject to the current application is not materially different from that which was dismissed at appeal and there has been no material change in circumstances since the time of the appeal decision, except in relation to the Transport Contribution Policy. The Council has now adopted a local list of transport schemes, including a number situated in Bishops Waltham, and the applicant is willing to enter into a unilateral undertaking for the payment of financial contributions for public open space and transport improvements.

Site Description

The site comprises 0.31 hectares of relatively flat land (sloping downwards slightly towards the street) including the back gardens of Hazeldene, Fernbank, Willowbank, Woodhaven, and St. Osyths, as well as a 6.8 metre wide strip of land along the west side garden of Hazeldene. The properties at Hazeldene, Fernbank, Willow Bank, Woodhaven, and St. Osyth have back gardens approximately 60 to 70 metres deep. There are a number of trees of varying species and maturity within the gardens, with hedgerows forming the common side boundary with properties in Byron Close. The rear boundary of the application site forms the settlement boundary and is well vegetated, with mature trees and other planting forming a dense landscape screen between the settlement and the countryside.

Rareridge Lane is located at the northern edge of Bishops Waltham and mainly comprises a linear suburban development of detached houses on rectangular plots, with large and deep back gardens.

To the west of the application site, adjacent to the north-west side boundary, a more modern form of suburban development has taken place, consisting of much more closely spaced detached houses along Rareridge Lane and Byron Close. The primary aspects of these buildings do not face over the site and there is a conservatory/side extension at No. 50 Rareridge Lane close to the common boundary, where the entrance to the proposed development is to be located.

Proposal

The proposal is for eight detached, semi-detached and link-detached dwellings in the back gardens of the properties from Hazeldene to St. Osyth. The gross residential density achieved (where the space beneath existing trees on the site is included in the calculation), is approximately 24 dwellings to the hectare. If the space beneath the branch spread of the mature trees is excluded in net site area calculations, the density increases to 32 dwellings to the hectare.

The building forms which are proposed reflect the extended house types which exist along Rareridge Lane through the roof forms and building footprints. The design is also reflective of the design of the existing houses along Rareridge Lane, incorporating bricks, tiles, bay windows, enclosed porch extensions, decorative features in gable ends and windows framed by stone cill work and header arches.

The proposed dwelling on Plot 1 will be located approximately 12 metres away from the side boundary with No. 12 Byron Close, and approximately 14.5 metres from the side wall of the dwelling and the proposed garage for Plot 8 (annotated G8 on the submitted plans) is located approximately 4 metres from the side boundary with No. 12 Byron Close. The rear walls of Plots 2 - 5 at 1st floor level are located approximately 32 - 37 metres away from the rear walls of Fernbank and Willowbank, and the south flank wall of Plot 1 at 1st floor level is located approximately 29 metres away from the rear extension of Hazeldene, distances which are comfortably above the minimum standards applied for calculating material harm to neighbours' amenities. The proposed dwellings on Plots 6 - 8 are located approximately 6 - 7 metres from the rear boundary of the site. The side wall of the proposed dwelling for Plot 6 is located approximately 2 metres from the side/rear boundary of Jedburgh.

The proposed access is to be located between Hazeldene and No. 50 Rareridge Lane. The width of the access will range between 3 and 5 metres and will be separated from the side boundaries of No. 50 Rareridge Lane and No.10 Byron Close by a footpath and boundary vegetation.

Sixteen car parking spaces are proposed.

Plain clay tiles are proposed for the roofs of the proposed development except for Plot 1, where a slate roof is proposed. All of the proposed houses are intended to be faced by red brick and have PVCu casement windows. Most of the dwellings are proposed to incorporate tile hangings, where gable ends exist.

Relevant Planning History

07/01851/FUL / W05135/03 : 8 no. dwellings comprising 4 no. two bed, 2 no. three bed and 2 no. four bed with associated garages and car parking; formation of new access from Rareridge Lane - Refused 08/10/2007 - Appeal Dismissed - 12/05/2008.

08/01204/FUL / 05135/04 : 8 no. dwellings comprising 4 no. two bed, 2 no. three bed and 2 no. four bed with associated garages and car parking; formation of new access from Rareridge Lane - Refused by the Committee 24/07/2008 - Appeal dismissed – 13/05/2009.

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Consultations:

Landscape Team:

Raised no objection to the proposal, and recommended landscape conditions.
(Conditions 3 - 5).

Engineers: Drainage:

No objection.

A public sewer is available for foul water disposal, with stormwater going to soakaways.
Water butts and permeable paving should be used wherever possible.

Engineers: Highways:

The proposal is acceptable from a highways point of view.

Model conditions are recommended (Conditions 6 - 9). A financial contribution of
£35,096.00 is required towards the Hampshire Transport Contributions Policy.

Environmental Health:

Assessed that the site was unlikely to be contaminated and recommended a
precautionary condition (Condition 15).

Environment Agency:

Assessed the application as having low risk.

Southern Water:

(Commenting on previous application).

Foul sewage can be provided and Southern Water is not aware of any particular
problems in the vicinity of the site. The adequacy of soakaways is to be checked by the
Council's technical staff.

Representations:

Bishops Waltham Parish Council:

Recommended that the Highways Engineer checks sightlines and splays at the
entry/egress to the site, that drainage needs to be suitable for the development and that
infrastructure is undertaken.

15 letters received from 12 neighbouring properties, and an additional 2 letters objecting
to the application, for the following reasons:

- Proposal does not overcome Planning Inspector's decision;
- Concerns about traffic and pedestrian safety at access;
- Boundary trees and hedges will need to be removed;
- Housing density is inappropriate;
- Overlooking and loss of privacy and amenity of neighbours;
- Noise and pollution to neighbours adjacent to driveway;
- Proposal is visually intrusive and out of character with the locality;
- Revised plan brings some new buildings closer to the original houses;
- Proposal is out of character and style with the area;
- Buildings in back gardens will destroy the character of the area;
- Insufficient services available;
- Housing types proposed are not suitable for the location;

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- Parking overspill;
- Detrimental impact on skyline.

Relevant Planning Policy:

South East Plan
CC6

Adopted Winchester District Local Plan Review 2006
DP1, DP3, DP4, DP5, DP9, H3, H5, H7, RT4, T3, T4, T5

National Planning Policy Guidance/Statements:
PPS 1 Delivering Sustainable Development
PPS 3 Housing

Planning Considerations

Principle of development

The site lies within the policy area of Bishops Waltham where, in principle, new housing development is acceptable.

Density

The scheme would achieve a net density of 32 dwellings per hectare, in line with PPS3 and Local Plan Policy H7. The building footprint for the proposed development compares favourably to that of Byron Close and the increased dwelling density is achieved by the requirement of Local Plan Policy H7 to include 50% small dwellings in the scheme. The appropriateness of the density is indicated by the fact that achieving the required level of car parking spaces for the site has not necessitated excessive amounts of space to be used for hard surfaces. By comparison, Byron Close (a similarly sized development) has 11 closely spaced detached houses, with limited space between buildings and very limited space in front of houses for landscaping. The Inspector considered that the proposal was appropriate for its context.

Design/layout

The scheme has been designed and laid out in a manner to reflect its location at the edge of the settlement, whilst, at the same time, ensuring that an effective street scene is created that seeks to have houses facing over the main driveway with well-landscaped front gardens and also to maintain perceptions of spaciousness. This has been achieved by having relatively widely-spaced dwellings backing onto the countryside, with the closely-spaced dwellings more centrally located within the site, and with the front elevation of dwellings facing over gaps between opposite buildings rather than the front elevation of dwellings directly opposite (with the exception of Plot 2). In this manner, the layout of the proposal responds positively to its location at the village boundary.

Building sizes, and spacings between them, have been achieved which reflect the size and footprint of the houses fronting Rareridge Lane. This layout also ensures that the back gardens of dwellings align with those of neighbouring sites and that the trees along the boundaries are able to be retained. By breaking the roof mass into segments, the proposed dwellings maintain a lower height and reflect the segmented roof masses of the existing dwellings fronting Rareridge Lane.

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The Inspector considered that the proposal was appropriate in terms of its size, design and mix of dwellings, taking into account the site's context.

Impact on character of area and neighbouring properties

The sizes of the back gardens of properties along Rareridge Lane are of sufficient depth to ensure that a spacious development can be achieved, whilst also providing a satisfactory residential density. Plots 1 - 5, set back to back with the existing dwellings facing over Rareridge Lane, are separated by distances ranging from 32 - 37 metres, well above the usual type of distances found in many suburban locations, and allowing windows in the rear elevations to remain clear glazed without materially harming the privacy of the existing dwellings. By comparison, the distance between the principal walls of the rear elevations of No. 50 Rareridge Lane and No. 10 Byron Close is 23 metres.

The proposed development will be largely screened from the adjacent countryside by the mature tree and hedge line to be retained at the rear boundary (Condition 5), and the dwellings will be screened from Rareridge Lane by the existing properties, ensuring that the proposal will have minimal visual impact when viewed from these locations.

The main dwellings on Plots 1 and 8 are set well away from the side boundary with Byron Close properties, and a single width garage with an office above for Plot 8, has been located at the outside bend of the driveway and 4 metres from the side boundary with No. 12 Byron Close. This proposed garage/office has an eaves level of just 3.6 metres and a ridge height of 5.6 metres and will not have windows facing over No. 12 Byron Close, and a condition has been recommended to prevent window and roof light insertions (Condition 15). The proposed garage/office acts to maintain a coherent building line for the scheme, whilst maintaining a size and scale which will ensure that it does not have a materially overbearing impact on No. 12 Byron Close. The proposed dwelling for Plot 8 is to be set 17 metres from the side boundary with No. 12 Byron Close and the only 1st floor window proposed in the side elevation facing the rear garden of No. 12 Byron Close is an obscure glazed bathroom window (Condition 14).

The front elevation of the proposed dwelling for Plot 1 faces the side elevation of No. 12 Byron Close, with a distance of 14.5 metres separating the elevations. No. 12 Byron Close has recently been extended (planning application ref: 07/02374/FUL), and has a large number of windows in this side elevation facing over Hazeldene. However, the principal windows of the habitable rooms of this property face towards its rear garden or along Byron Close. Because of this, the windows facing over Hazeldene are either windows for non-habitable rooms, are considered to be secondary windows or (in the case of the dormer window facing over the application site) a window to a bedroom (6th)/office which has other windows. The Council cannot refuse permission simply because a development interferes with a view from a nearby property. The proposed dwelling on Plot 1 is, therefore, considered not to have a materially harmful impact on the privacy and amenities of No. 12 Byron Close.

The Inspector considered that the scheme was compliant with PPS3 and Policy DP3 and that the dwellings exhibited a comfortable domestic style, variety of form, diversity in appearance, low-key vernacular detailing, materials and landscaping and were appropriate for their context. The Inspector did not consider that the proposal harmed the amenities and privacy of adjacent residential properties.

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Landscape/Trees

The proposed scheme retains existing landscape features and incorporates landscaped areas which would provide a good level of amenity to properties within the proposed scheme, and would help to ensure that the amenities of neighbouring properties are not unduly compromised. Front garden areas available for landscaping, ranging from 2 to 3 metres in depth, extend along the width of building frontages, ensuring that well-landscaped front gardens can be introduced which offer effective breakages between the driveways to garages and parking areas.

Existing mature trees and hedgerows at the side and rear boundaries are to be retained and, along with the spaces between buildings, heights of buildings and new landscaping areas of the proposed scheme, will ensure that buildings sit comfortably within the site and that the development will not detract from this part of the village or the countryside beyond. Conditions 3 - 5 have been recommended to ensure the protection of existing landscaping and the implementation of new landscaping and hard surfacing materials.

Highways/Parking

The proposed scheme provides for 14 on-plot parking spaces and 2 communal parking spaces, which is considered to be acceptable for a scheme of this density and range of dwellings. Parking spaces are located adjacent to or very near the dwellings they are intended to serve and have been arranged in a manner which ensures that they are separated by landscape areas, breaking up the visual mass of the pavement area.

A raised platform has been introduced adjacent to the communal landscape area central to the scheme and it will be finished in a different size and textured paving block to that used for the driveway. It is considered that the use of paving blocks and kerbstone edging for the access and driveway, along with the landscaping areas and wall and roof finishes to front elevations of buildings, will provide a high quality visual finish to the entrance to the site.

The location of the entrance to the proposed development at the outside of a bend in Rareridge Lane, and the 4.8 metre width of the access at the entrance, act to improve visibility and traffic safety and there is considered to be an acceptable level of visibility at the junction. The access is the same as that of the planning application which was dismissed at appeal and neither the Inspector, nor the Council's Highways Engineer raised an objection to the visibility at the access. Conditions 6 - 9 cover access construction and the activity of construction traffic.

Drainage

Southern Water and the Council's Drainage Engineer have not objected to the application on drainage grounds. Sustainable urban drainage solutions, such as water butts and soakaways, are able to be adopted to reduce stormwater runoff, and the majority of hard surfacing proposed for the development is paving blocks, which will allow rainwater to percolate into the ground (Condition 12).

Other Matters

No. 50 Rareridge Lane and Nos. 10 and 12 Byron Close, adjacent to the proposed access, will be separated from the driveway by a hedgerow along the common boundary and a pedestrian footway, ensuring that the carriageway is located 2.2 metres from that boundary. The Inspector did not seek to dismiss the appeal of the previous scheme because of any harm to the amenities of adjacent properties as a result of the

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proposed access, and it is considered that the driveway of the proposed scheme will not have a materially harmful impact on neighbours' amenities.

Public Open Space

The development does not provide any on-site public space and a financial contribution for public open space purposes is therefore appropriate and has been calculated at £17,062.00.

Affordable Housing

A development of this scale in Bishops Waltham would not require the provision of affordable housing.

Sustainable Transport Improvements (Hampshire Transport Contributions Policy).

Because the proposed development comprises new dwellings, a financial contribution for sustainable transport improvements is considered appropriate, as there are a number of local improvement schemes proposed for Bishops Waltham. A financial contribution of £35,096.00 would be required in this instance. The applicant has agreed that they are now willing to make the required contribution.

Conclusion

The proposal is the same as the proposal considered at appeal which, the Planning Inspector concluded, would not result in material harm to the character and appearance of the area, would provide each plot with sufficient private amenity space and would not result in significant harm to the living conditions of adjacent occupiers through loss of privacy. The appeal was dismissed only on the grounds of the failure to provide a financial contribution for public open space. The proposal is consistent with the form of secluded cul-de-sac developments that have occurred in the locality and Bishops Waltham over the years and which have increased the housing stock within the village without damaging its character.

Planning Obligations/Agreements

In seeking the planning obligations for financial contributions for public open space (£17,062.00) and sustainable transport improvements (£35,096.00) the Local Planning Authority has had regard to the tests laid down in Circular 05/2005, 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. The applicant will be completing a unilateral undertaking in this respect.

Recommendation

Application Permitted, subject to

- 1. The applicant making the appropriate provision for financial contributions towards the Hampshire Transport Contributions Policy (£35,096.00) and for public open space through the open space funding system (£17,062.00); and**
- 2. The following conditions:**

(Note: If the Legal Agreement is not completed within 6 months, then the application may be refused without further reference to Committee)

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Conditions

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. The materials to be used on the external finishes of the development hereby approved shall be as set out in the materials schedule submitted as part of this planning application, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship between the new development and the existing structures

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.

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

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape, in accordance with the approved designs.

5. In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars submitted with this planning application and including trees annotated T1-T21 in the Arboricultural Impact Study by Dermot Cox, submitted with this planning application.

a) No existing boundary hedgerow planting or retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree or boundary hedgerow be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping so approved shall be carried out in accordance with British Standard 3998.

b) If any tree or hedgerow planting is removed, uprooted or destroyed or dies, another tree/hedgerow planting shall be planted at the same place and that tree/hedgerow planting

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shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree and hedgerows shall be undertaken in accordance with British Standard 5837:2005 and the details of the Arboricultural Impact Study by Dermot Cox, submitted with this planning application, before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the protection of trees and hedgerows which are to be retained.

6. 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.

7. 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.

8. The garages, hereby approved, shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the garages, in the interests of local amenity and highway safety.

9. No dwelling erected on the land shall be occupied until the roads and footways have been laid out and made up in accordance with a programme, specifications and details to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

10. The dwellings shall be constructed in accordance with the approved plans and at no stage thereafter shall any of the dwellings, hereby approved, be combined to form a larger dwelling unit.

Reason: To ensure that a mix of small and larger dwellings is retained, in accordance with Policy H7.

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11. Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the locality and neighbouring residents.

12. None of the dwellings of the development, hereby approved, shall be occupied until a system for the disposal of sewage and surface water (including methods for the retention/management of greywater and stormwater within the site, such as water butts) has been provided on the site, in accordance with details (including layout plans, sections, calculations and identification of management responsibilities post implementation) to be first submitted to and approved in writing by the Local Planning Authority.

NB: The scheme to be submitted for approval should be prepared in consultation with Southern Water and should incorporate measures such as water butts.

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

13. The windows at 1st floor level in the elevations or roof slopes of the dwellings/garages on the plots of the approved plans listed below, and hereby permitted, shall be glazed in obscure glass and thereafter retained:

- (i) west elevation of the dwelling on Plot 8 (facing No. 12 Byron Close).
- (ii) en-suite window of the south elevation of the dwelling on Plot 8.
- (iii) en-suite window of the west elevation of the dwelling on Plot 1 (facing No.12 Byron Close).

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

14. 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 windows, and no enlargement of the windows expressly authorised by this permission shall, at any time, be constructed above ground floor level in the elevations listed below:

- (i) all walls and roofs in the west side elevation of the garage office on Plot 8 (facing No.12 Byron Close).
- (ii) west elevation of the dwelling on Plot 8 (facing No.12 Byron Close).
- (iii) north side elevation of the building comprising Dwellings/Plots 8-10.

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

15. 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

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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), have 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.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plans 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:

South East Plan: CC6

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, DP9, H3, H5, H7, RT4, T3, T4, T5

Appendix – Appeal Inspector’s decision letter ref. 08/01204/FUL – on the following pages.



Appeal Decision

Hearing held on 1 April 2009
Site visit made on 1 April 2009

by **David Morgan BA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
13 May 2009

Appeal Ref: APP/L1765/A/08/2081946

Rareridge Lane, Bishops Waltham, Southampton SO32 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mapledean Developments Ltd against the decision of Winchester City Council.
- The application Ref 08/01204/FUL, dated 16 May 2008, was refused by notice dated 25 July 2008.
- The development proposed is residential development to provide 8 new dwellinghouses with associated garages and car parking and formation of new access from Rareridge Lane.

Procedural matters

1. At the Hearing the Council advised they were withdrawing reason for refusal no 3 relating to a financial contribution for sustainable transport provision, as set out on the decision notice; I have therefore not referred to it in the determination of the appeal.
2. No unilateral undertaking securing the provision of public recreational space or a financial contribution in lieu thereof was presented at the Hearing, the appellants stating that due to the greater time taken as a result of much closer scrutiny of such agreements by lenders, and the considerable number of parties with an interest in the land, no signed agreement had been secured. In these circumstances I agreed a subsequent period in which the appellants could complete the agreement and held determination of the appeal in abeyance until the expiry of this period.

Decision

3. I dismiss the appeal.

Main issues

4. I consider these to be a) the effect of the proposals on the character and appearance of the area, b) the amount of private amenity space provided for each of the dwellings, c) the inadequate provision of public recreational space to a required standard or a financial contribution in lieu thereof, and d) the effect of the development on the living conditions of occupiers of no 12 Byron Close, with specific regard to loss of privacy.

Reasons

5. This appeal and prior refusal of planning permission follow the dismissal of a previous appeal for eight dwellings on the site in May of 2008. Both parties

have cited the appeal decision (Ref:APP/L1765/A08/2061326) as a material planning consideration in this case. Because of the assessment made of the character and appearance of the area by the Inspector, and the fact that his conclusions in respect of the impact of development upon it have in part formed the basis of the revised proposals before me, I accord the decision substantial weight, in addition to national and development plan policy, when determining the appeal.

Character and appearance

6. The appeal site comprises a parcel of land to the rear of five detached dwellings in Rareridge Lane. These, and the other dwellings along Rareridge Lane and Hoe Road to the south, date mostly from the inter-war period and constitute two converging ribbons of development that pre-date the more regimented post-war residential development and the denser closes and cul-de-sacs of more recent housing to the west of the appeal site. The deep narrow plots of the houses on the northern side of Rareridge Lane, with their mature boundary planting, soften the north eastern fringe of this part of the settlement, and are significantly more spacious than those of the modern development continuing on the northern side of the lane immediately to the west of the appeal site.
7. However, the character of this eastern enclave is not uniformly open, and in my view the transition between urban and rural here does not follow a uniform pattern. The funnel of land between Rareridge Lane and Hoe Road results in a denser knot of development and the houses along Rareridge Lane are closely spaced, creating a strong linear suburban character when viewed from the street. Moreover, the regimented post-war terraced housing to the south west of the appeal site may be of high unitary density, but the dwellings are set within reasonably generous areas of open space. It is my conclusion therefore that though the plots to the rear of Rareridge Lane do serve as an interface between buildings and countryside, the character of the area is not uniformly defined by *openness* to the east of the appeal site and dense *enclosure* to the west.
8. It is well established common ground that the site lies within the settlement boundary and that residential development here is acceptable in principle. The Council's draft Strategic Housing Land Availability Assessment, a document forming part of their evidence base for the Local Development Framework under preparation, has been presented by the appellants to emphasis this point. Though at the time of the Hearing this document was still at its initial public consultation stage, and therefore only to be afforded limited weight, I agree it does serve to reinforce the acceptability in principle of residential development in the eastern enclave, and the Council's acceptance that its character may change as a consequence.
9. In my view the proposals do achieve an effective synthesis between the respective patterns of development to the east and west of the appeal site. The plots would of necessity be smaller than those to the rear of houses along the eastern part of the lane but would allow a reasonable measure of space around the dwellings, especially on the north side of the access road. The proposed dwellings are so located to align with those on Rareridge Lane, thus allowing glimpses, in one case above a single storey element, of the boundary

trees, planting and sky beyond. This layout reflects the tight spacing between the existing dwellings, and the proposal is no more cramped in this respect than the existing arrangement. The proposed dwellings are set back from the access road with the amenity areas of plots 7 and 8 serving to open-up a central area on the north side, giving a measure of depth to the frontage here. These factors would, in my opinion, serve to visually engage the proposed development with the frontage dwellings and so respond to the character and distinctiveness of the surrounding area, thus avoiding material harm to its character and appearance.

10. Other parties make the point that given the location of the site 'in the significantly more spacious' eastern part of the lane, the expectation should be that proposed development should fall within the upper parameters of established housing densities. In my view however, in this case density of itself is not the key determinant of effect on character; rather it is the layout and visual relationship of the development in addition to its detailed form. Such a view is consistent with paragraphs 49 and 50 of Planning Policy Statement 3: *Housing* (PPS3). Moreover, whilst the previous Inspector in his decision (see ref above) held that the 'appeal scheme would introduce a significant new element of back-land development into the eastern part of the Rareridge Lane, thereby fundamentally altering this part of the settlement' he accepted the principle of development here, stating that it should reflect the highest standards of design, with no express constraint on density.
11. The proposed dwellings may not be at the forefront of the best contemporary design, or be an essay in the neo-vernacular Arts and Crafts style generically expressed in the older houses nearby which, arguably, define the architectural character of the lane. However, these existing dwellings are an eclectic mix, and not all can be said to be of distinguished architectural provenance; this is reflected in the absence of a specific designation identifying the area as having special architectural or historic interest. Moreover, the appeal site is sufficiently visually discrete from the frontage dwellings to impede any such direct architectural comparison. Whilst the proposed dwellings may not express architectural élan, they do exhibit a comfortable domestic style, variety of form, diversity in appearance, low-key vernacular detailing, materials and landscaping, and given their immediate and wider context, I do not consider their design to be inappropriate.
12. On this basis I do not consider the proposals to be contrary to the policy set out in paragraphs 13 and 16 of PPS3 relating to design. Indeed, insofar as they seek to make effective and efficient use of previously developed land, they are in accordance with the objectives of the same document set out in paragraphs 40 and 45. On the same basis I conclude the proposals are compliant with policy DP.3 of the Winchester District Local Plan Review (WDLPR) specifically criteria i and ii thereof.
13. Whilst I accept that private amenity space for each dwelling may not be large by immediate comparison, they would be acceptable in terms of size and quality. On this basis the proposals are again compliant with policy DP.3 of the WDLPR, criterion viii thereof.

Living conditions

14. Though I acknowledge the concerns of occupiers of no 12 Byron Close in relation to loss of privacy as a result of the development, no material harm to living conditions, in my view, would occur as a result of the development. Whilst the ground floor windows of the proposed garage and home office of plot 8 may be west-facing and within 4m of the boundary, these would light the garage, and views of the garden would largely be obscured by the boundary hedge. Moreover, any such concerns could be mitigated through the provision of obscure glazing secured through condition. Similarly, the western elevation of plot 8 is at a distance of approximately 18m from the boundary and the only first floor window here is to a bathroom, already indicated on the drawings as being obscure glazed; any doubts in this regard could again be overcome through condition. Accordingly I consider the proposals to be again in accordance with policy DP.3 of the WDLPR, specifically criterion vii thereof.

Financial contributions

15. No unilateral undertaking securing the provision of public recreational space or a financial contribution in lieu thereof has been submitted in the time allocated after the Hearing. The absence of such an agreement, or the provision of on-site facilities as part of the development proposals, undermines the development plan's policies for recreational open space provision within the district and is expressly contrary to policy RT.4 of the WDLPR.

Other matters

16. Concerns over highway safety, loss of wildlife habitat, trees and the increased risk of flooding as a result of the development have been expressed by other parties. Such concerns often attend development proposals, but no evidence has been presented to substantiate these issues and they are not concerns shared by the highways authority in respect of the first matter, nor by the Council with regard to all of them. Accordingly I can afford them only very little weight when determining the appeal.

Conclusion

17. Though I find in respect of issue a) that the proposals would not result in material harm to the character and appearance of the area, in relation to issue b) that each plot would have sufficient private amenity space, and in respect of issue d) that they would not result in significant harm to the living conditions of adjacent occupiers through loss of privacy, these matters do not outweigh the harm caused by the absence of a financial contribution towards public recreational space provision and the undermining of the policy which provides the mechanism for its procurement. For the reasons given above therefore and having considered all matters raised, I conclude that the appeal should be dismissed.

David Morgan

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr N Freemantle (Mapledean Developments Ltd)	Abbey Mill, Station Road, Bishop's Waltham, Hampshire SO32 1DH
Mr Robin Reay BA, MDC, MRTPI	Luken Beck, 30 Carlton Crescent, Southampton SO15 2EW

FOR THE LOCAL PLANNING AUTHORITY:

Ms Lorna Hutchings	Winchester City Council
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INTERESTED PERSONS:

Mr R Tutton BSc, MRTPI	23 Romsey Avenue, Farnham PO16 9TR
Mr D Adams	Hollythorns House, New Road, Swanmore
Mr J Creese	Culver Lea, Rareridge Lane, Bishops Waltham, Hants SO32 1DX
Ms J Camsell	Tamerisc, Rareridge Lane, Bishops Waltham, Hants SO32 1DX
Mr J Belfield	Little Hoe lodge, Rareridge Lane, Bishops Waltham, Hants SO32 1DX
Ms W Belfield	Little Hoe lodge, Rareridge Lane, Bishops Waltham, Hants SO32 1DX

DOCUMENTS PRESENTED AT THE HEARING

1. Notification of the Hearing details (Winchester City Council)
2. Correspondence relating to withdrawal of reason for refusal no 3 (highway contributions) (Winchester City Council)
3. Correspondence relating to density and mix of house types (Luken Beck)