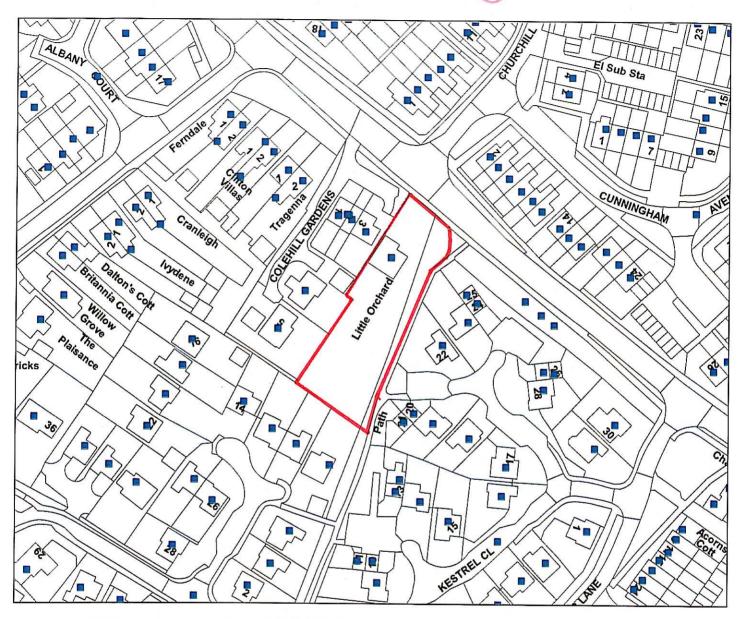
Little Orchard, Winchester Road, Bishops Waltham ester 09/02015/FUL



NAME OF STREET	Legend	
x 0		
Scale:		

Km	0.02	0.04	0.06	0.08	0.1
----	------	------	------	------	-----

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office @ Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Winchester City Council @ 2007.

Winchester City Council
Development Services
03 February 2010
00018301

Item No: 3

Case No: 09/02015/FUL / W06784/04

Proposal Description: Demolition of existing dwelling and erection of 3 No. two

bedroom terraced houses and 2 No. four bedroom semidetached houses with 10 car parking spaces and access

Address: Little Orchard Winchester Road Bishops Waltham Southampton

Hampshire

Parish, or Ward if within

Bishops Waltham

Winchester City:

Applicants Name: Mr Stephen Bowden

Case Officer: Nick Parker
Date Valid: 6 October 2009

Recommendation: Application Permitted

Appended: Appeal decision for planning applications 08/01280/FUL & 09/00071/FUL. Site plan of scheme dismissed at appeal.

General Comments

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

Amended plans were received on 4th January 2010, indicating the following changes to the original scheme:

- Plan 07-1390-110 P5: Revised site plan showing additional tree planting on the eastern boundary adjacent the footpath and the dwellings on plots 4 and 5 changed from detached to a pair of semi-detached houses.
- Plan 07-1390-111 P3: Revised front elevations for plots 1-3 simplifying the front entrance canopies.
- Plan 07-1390-113: Detailed landscape scheme.

Site Description

The site comprises 0.12Ha. Currently, a detached two storey dwelling known as 'Little Orchard' stands on the site, close to the western boundary. This property is proposed to be demolished.

The western boundary to Colehill Gardens is marked by a fence at present. The front and rear boundaries are marked by hedging and mature trees. A footpath runs outside the eastern boundary and was previously screened from the site by mature hedging and trees. The mature hedging and trees on the eastern boundary were subsequently removed and a tall fence was erected for security purposes.

Viewed from the Winchester Road, levels drop away to the south, toward the rear

boundary of the site and the adjacent land. Levels also fall from west to east, with the site lying at a lower ground level than Colehill Gardens to the west. The land falls to the east towards the public footpath but rises toward the northern end of Kestrel Close.

Trees protected by a Tree Preservation Order have been damaged on site prior to this application. The Tree Impact Assessment submitted with the application, now proposes that these two trees at the front of the site, the larger of which is a Horse chestnut, should be felled.

Proposal

The proposal relates to the erection of 5 new dwellings. A terrace of three 2-bed properties is proposed towards the front of the site, roughly following the building line of the existing property. The terrace would be two storeys in height. It is also proposed to erect a further two properties towards the rear of the site, consisting of a pair of semi-detached 4-bed properties two storeys in height.

A shared access is proposed to be taken from Winchester Road, where the existing access is at present. Ten parking spaces are proposed, with three spaces located at the front of the site and seven spaces to the rear.

Relevant Planning History

08/01280/FUL /W06784/02: 3 no. detached four bed and 3 no. terraced two bed dwellings with associated parking, cycle and refuse stores; following demolition of existing dwelling - Refused - 08/09/2008. Subsequent appeal lodged and conjoined with application 09/00071/FUL. Both appeals were dismissed on 29/07/2009 and the Inspector's decision notice is appended to this report.

09/00071/FUL / W06784/03: 3 no. two bed dwellings, 2 no. semi-detached four bed dwellings and 1 no. three bed detached dwelling with associated car parking spaces, access cycle and refuse stores following demolition of existing dwelling (Resubmission) - Refused - 24/03/2009. Subsequent appeal lodged and conjoined with application 08/01280/FUL. Both appeals were dismissed on 29/07/2009 and the Inspector's decision notice is appended to this report.

Consultations

WCC Landscape Team:

There are no landscape objections to the principle of the scheme. However, the style and planting treatment details are not yet satisfactory and should be resolved with a landscape condition (as outlined below under Condition 6).

WCC Tree Officer:

No objection, subject to clarification on the proposed replacement tree species.

WCC Highways Engineer:

No objection, subject to conditions (Conditions 3,4 and 5) and a financial contribution towards highway improvements in the area, to be secured through a S106 Legal Agreement.

WCC Environmental Protection Team:

No objection, subject to a contamination risk condition (Condition 12).

WCC Drainage Engineer:

No objection, but checks should be made in relation to the capacity of the foul and storm water sewers. Recommends a drainage condition (Condition 9).

Natural England:

No objection, subject to a condition relating to safeguarding ecology (Condition 10).

Representations

Bishops Waltham Parish Council:

No objection to the original plans, as previous reasons for refusal have been addressed. Comments:

- Lack of visitor parking;
- Concern over lack of open space contribution;
- Concern over removal of important trees and hedges.

7 letters received objecting to the application in its original form, for the following reasons:

- Overdevelopment of site;
- Loss of trees/hedgerow along east boundary;
- Tree removal adversely affects local wildlife;
- Proposed replacement trees are considered unsuitable varieties;
- Tree report should be updated;
- Concerns over trespass on adjacent land;
- Concerns over contractors vehicles parking on grass verges and on adjacent residential roads;
- Dispute over land ownership in relation to the strip of land on the east boundary adjacent the footpath;
- Overbearing impact of development on the adjacent footpath;
- Concern in relation to foul and storm water disposal;
- · Poor visibility at access onto Winchester Road;
- Lack of parking provision;
- Significant negative impact on residential amenity in relation to privacy, overlooking and overbearing due to size, height and position of plots 4 and 5;
- Increase in noise disturbance;
- Contrary to the Land Use Gardens Protection Bill 2008-2009 which was designed to prevent this type of development;
- The site should not be classified as previously developed land as plots 4 and 5 are located on greenfield land;
- Street lighting is not proposed, but its provision could disturb residential amenity.

Relevant Planning Policy

South East Plan SP.3, CC.4, CC.6

Winchester District Local Plan Review H3, H7, DP3, DP4, DP9, RT4, T2, T3, T4 and T5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

Planning Considerations

The main planning considerations relate to whether the development overcomes the objections raised in the previous appeal decision relating to:

- Impact of the development on the character and appearance of the area
- · Residential amenity
- · Parking and highway safety
- Impact on trees
- \$106 requirements

Principle of development

The site lies within the built-up settlement boundary of Bishop's Waltham, as defined in the adopted Local Plan. Policy H3 of the Local Plan allows for the principle of new residential development in such areas. The proposal accords with Policy H7, relating to housing mix, as three of the five dwellings proposed are 2 bedroomed properties, measuring less than 75 sq.m in terms of their internal floor space.

Character and appearance of area

In dismissing the previous proposals at appeal, the Inspector considered the relationship of the built development with the footpath to be dominating and incongruous and felt that it could not be satisfactorily mitigated by planting, as there was insufficient space to accommodate new screen planting. The Inspector also considered that there was insufficient space to enable the provision of appropriate planting to soften the visual impact of the access and parking areas and provide an attractive setting for the development. The Inspector considered that the development would be dominated by the buildings, hard surfaced areas and boundary fences. The Inspector concluded that the layout and relationship of the dwellings to one another, and the adjacent footpath, would be unacceptable and that this cramped layout, lack of opportunity to soften the impact of the development within the site and proximity to the footpath, would have a detrimental impact on the character of the area.

The proposed development differs from the schemes dismissed at appeal through the reduction in the number of dwelling units from six to five. This change has affected the form of development at the rear of the site, where three dwelling units have been replaced by two semi-detached dwellings. This has allowed increased space between plot 5 and the footpath and a wider gap between plot 4 and the western boundary, compared to the previous schemes. Other changes include a slight re-adjustment to the siting of the front terraced properties to increase the distance of the flank wall from the eastern boundary with the footpath. The amended plans also indicate additional tree planting on the eastern boundary, additional space within the development for soft landscaping and a simpler design approach to the front entrance canopies of plots 1-3 at the front of the site. The changes have allowed more space between the frontage and

rear dwellings, which has loosened the layout by providing more space around the buildings and reduced the concentration of buildings and hard surfaces in the centre of the site. The resulting layout is considered less cramped than the appeal schemes and now provides the opportunity for an appropriate quantum of landscaping within the site and at its edges. It is considered that the changes to the proposals result in an improved development that satisfactorily overcomes the concerns of the appeal Inspector on the earlier schemes. Overall, it is considered that the proposed development is acceptable and would not adversely affect the character or appearance of the area, and that it accords with Policies DP3 and DP4 of the Winchester District Local Plan.

Residential amenity

In dismissing the previous schemes at appeal, the Inspector considered that the proposed dwelling at plot 4 would be very close to the boundary with No. 5 Colehill Gardens and would appear overbearing both from the garden and from upstairs bedroom windows, one of which would look directly towards the side wall. For these reasons, the Inspector concluded that there would be a significantly harmful impact on the occupants of No. 5 Colehill Gardens.

In relation to the impact of the proposed development on the residential amenity of No. 5 Colehill Gardens, the amended proposals show the nearest dwelling (plot 4) to be 3.6m from the boundary and a total of 14.6m from the rear elevation of No. 5 Colehill Gardens. These distances have been increased by 2.8m when compared to the appeal schemes. The new dwelling would also be on lower ground than No. 5 Colehill Gardens, resulting in the development being lower than the neighbouring buildings. The only proposed first floor window in the side (west) elevation of plot 4 is a bathroom window which would be obscure glazed (Condition 13). It is considered that the relationship between plot 4 and No. 5 Colehill Gardens is now acceptable, as the building is positioned at a distance sufficiently far from the boundary and from the facing elevation of No. 5 Colehill Gardens not to have an overbearing or dominating effect, and the proposed house would not result in a significant loss of privacy to the neighbouring dwelling.

In respect of the previous schemes, the Inspector was satisfied that the appeal developments would not adversely affect the outlook of Kestrel Close properties and would not have a seriously detrimental effect on the living conditions of No. 3 Colehill Gardens or the neighbours in Siskin Close. The current proposals do not increase the effect on neighbouring properties and, due to the reduction in buildings within the site, a larger amount of space is now available for landscaping, particularly on the edges of the site. Overall, it is therefore considered that the proposed development would not adversely affect the residential amenities of neighbouring properties, and the proposals now accord with Policy DP3 of the Winchester District Local Plan.

Parking and highway safety

Overall, 10 car parking spaces are proposed to serve the proposed 5 properties. The parking numbers and arrangement have been negotiated over time, and before the most recent parking standards were adopted. The proposals fall short of the recently adopted standards by 2 car parking spaces, if all spaces were allocated to individual dwellings. It is considered that the parking spaces associated with plots 1-3 (2-bed dwellings) could operate adequately as unallocated spaces and that 2 car parking spaces each should be allocated to plots 4 and 5 (4-bed dwellings) to the rear of the site. A condition requiring this parking arrangement is proposed (Condition 4). Given the sites relative accessibility

to the town centre of Bishops Waltham and location adjacent to a bus stop that provides a regular service to Winchester, it is considered that the parking provision is acceptable. It is also worth noting that the appeal Inspector did not object to the amount of parking provided for the previous application ref: 09/00071/FUL, which provided 10 spaces for 6 dwellings (three 2-bed, two 4-bed and one 3-bed).

It is also considered that sufficient turning space is proposed to serve the development, and additional planting areas adjacent to the bays help to soften the areas of hardstanding to an acceptable level. The visibility at the entrance to the site is also considered satisfactory and the Highways Officer has no objection to the proposed development, subject to a financial contribution of £16,692.00 towards sustainable transport improvements

Impact on trees

The application is supported by an Arboricultural Appraisal and Method Statement which examines the implications of the development on the trees within the site, including the trees covered by the TPO. The report indicates that some of these trees are in poor condition with a short life expectancy, but it is intended to retain the two oak trees (T3 and T4) at the front of the site which are the subject of the TPO. The report confirms that both trees have been wounded by partial felling cuts into their main trunks and their canopies have been severely cut back on one side only, but advises that, because oak trees are reasonably resistant as a species, it is worth adopting a "wait and see" approach to their retention prospects. In this respect, a tree protection condition is recommended (Condition 14). The report has been examined by the Council's own arboriculturalist, who does not object to the proposed tree removal or retention but has questioned the suitability of some of the proposed replacement trees. Clarification has been sought on this issue and the report will be updated accordingly prior to the Committee meeting, once a resolution has been reached.

Sustainability

Whilst no details of the sustainability of the proposed development have been provided, a condition is recommended to ensure that the development meets with the Code of Sustainable Homes Standards (Condition 15).

Nature Conservation

The application is accompanied by a bat and bird assessment of the site, which concluded that the demolition of the building and removal of trees and shrubs was considered unlikely to harm bats or bat roosts, or to be detrimental to bat conservation. The report recommends that, to avoid disturbance or harm to nesting birds during the nesting season, the site should be re-checked for nesting birds prior to the commencement of any site clearance or development. Condition 10 requires further survey work to be carried out prior to site clearance, with appropriate mitigation if required.

Other matters

Some of the objectors have raised concerns over the ownership of the strip of land located adjacent to the public footpath on the east boundary of the site. The claim is that the developer has increased the area of the site by encroaching onto land not within his ownership. The land in question is now marked by a security fence, following the removal of the trees and vegetation that once formed the boundary. Whilst land ownership is not necessarily a planning matter that should affect the outcome of the planning decision, this

issue has been raised with the applicant. The applicant has assured the Council that the land included within the red edge of the planning application (its eastern boundary, marked by the security fence) is under his ownership.

Conclusion

The revised proposals are considered acceptable and have addressed the issues raised by the Inspector in respect of the previous refused schemes to redevelop the site. The reduction in the number of proposed residential dwellings, and the additional space that has been freed up for landscaping within the site and on its boundaries, have resulted in a redevelopment scheme that is acceptable in relation to its impact on the character and appearance of the surrounding area and its impact on neighbouring residential amenity.

Planning Obligations/Agreements

In seeking the planning obligations for financial contributions for public open space and sustainable transport improvements, 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 S106 Legal Agreement in this respect.

Recommendation

Application Permitted, subject to:

- 1. The applicant making the appropriate financial provision, by way of entering into a legal agreement to the satisfaction of the Head of Legal Services, towards the Hampshire Transport Contributions Policy and for public open space through the open space funding system: 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)

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. No development shall take place until details and samples of the materials to be used for 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.

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

3. 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.

4. The parking spaces, shown hatched red on drawing number 07-1390-110 Rev P5 dated August 2009, shall be retained and made available for parking purposes at all times to all residents and visitors for plots 1-3 of the development hereby permitted, with no physical or legal restriction on who may use such spaces. The remaining car parking spaces shall be allocated to plots 4 and 5 of the development hereby permitted and retained for car parking purposes in perpetuity.

Reason: To ensure that adequate parking spaces are retained for the development (in accordance with Winchester City Council's Supplementary Planning Document Residential Parking Standards December 2009) in the interests of highway safety.

5. Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 4.5 metres from the highway boundary.

Reason: In the interests of highway safety.

- 6. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:
- (a) existing and proposed finished levels or contours;
- (b) means of enclosure, including any retaining structures;
- (c) other vehicle and pedestrian access and circulation areas;
- (d) hard surfacing materials;
- (e) minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs, lighting, utility apparatus etc.);
- (f) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., including lines, manholes, supports etc.).

Soft landscape details shall include the following as relevant:

- (g) planting plans;
- (h) written specifications (including cultivation and other operations associated with plant and grass establishment;
- (i) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;

- (j) retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- (k) manner and treatment of banks;
- (I) implementation programme.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works 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, or in accordance with the programme agreed with the Local Planning Authority. If, within a period of five years after planting, any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

9. Detailed proposals for the disposal of foul and surface water, including any surface water Sustainable Drainage System (SUDS), 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 development is occupied.

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

10. Prior to the commencement of development, the applicant, or their agents or successors in title, shall ensure that a detailed ecological investigation and survey of the site is undertaken, at an appropriate time of year, to ensure that no protected species are present on the site, in accordance with the submitted bat and bird assessment compiled by Adonis Ecology dated 23rd May 2008. The findings of such survey work shall be submitted to the Local Planning Authority for consideration, together with a scheme of mitigation and programme for implementation of such measures. The development shall be undertaken with adherence to an approved landscaping, native planting and ecological enhancement scheme. Such a scheme shall demonstrate that habitat; connectivity and the site have been enhanced for biodiversity, in line with PPS9, and include features such as bird and bat

boxes. Any site clearance of trees or scrub should be undertaken outside of the bird breeding season. The approval in writing of the Local Planning Authority shall be obtained before any work is commenced and the approved details shall be fully implemented, as approved, before the dwellings are occupied.

Reason: To ensure that any ecological interest on the site is properly dealt with.

11. 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 first floor windows, other than those expressly authorised by this permission, shall, at any time, be constructed in the west elevations of plots 1 and 4 of the development hereby permitted, as shown on drawing number 07-1390-110 REV P5 dated August 2009.

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

12. 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), 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 a satisfactory development and in the interests of the safety and amenity of future occupants.

13. The first floor bathroom window(s) in the west elevation of plot 4, hereby permitted, shall be glazed in obscure glass and thereafter retained.

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

14. The development, hereby permitted, shall be implemented in accordance with the approved Arboricultural Method Statement compiled by Barrell Tree Consultancy dated December 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect on-site and off-site trees, in the interests of the visual amenity of the area.

15. Prior to the commencement of development, a Sustainability Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Sustainability Strategy shall identify the measures taken within the development to comply with the Code for Sustainable Homes.

Reason: In order to promote sustainable forms of development and avoid wasteful use of energy and natural resources.

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 SP.3, CC.4, CC.6

Winchester District Local Plan Review
H3, H7, DP3, DP4, DP9, RT4, T2, T3, T4 and T5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

Appendix – Appeal Inspector's decision letter ref. 09/00071/FUL and 08/01280/FUL, including site plans – on the following pages.



Appeal Decisions

Hearing held on 15 July 2009 Site visit made on 15 July 2009

by David Hogger BAMScMRTPI MIHT

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.g ov.uk

Decision date: 29 July 2009

Appeal A: APP/L1765/A/09/2093476 Little Orchard, Winchester Road, Bishops Waltham, Hampshire SO32 1BW

- 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 Mr Steve Bowden (Belgarum Developments) against the decision of Winchester City Council.
- The application Ref 08/01280/FUL, dated 27 May 2008, was refused by notice dated 8 September 2008.
- The development proposed is 3 detached four bed houses and 3 terraced two bed houses with associated car parking spaces, cycle and refuse stores, following the demolition of a four bed detached house.

Appeal B: APP/L1765/A/09/2101439 Little Orchard, Winchester Road, Bishops Waltham, Hampshire SO32 1BW

- 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 Mr Steve Bowden (Belgarum Developments) against the decision of Winchester City Council.
- The application Ref 09/00071/FUL, dated 9 January 2009, was refused by notice dated 24 March 2009.
- The development proposed is 3 terraced two bed houses, a pair of semi-detached four bed houses and a detached three bed house with associated car parking spaces, access, cycle and refuse stores, following demolition of the existing dwelling.

Application for Costs

1. At the Hearing an application for costs was made by the appellant in relation to Appeal B. This application is the subject of a separate decision.

Decisions

Appeal A

2. I dismiss the appeal.

Appeal B

3. I dismiss the appeal.

Preliminary Matters

4. As set out above, there are two appeals relating to the same site. Although I have considered each proposal on its individual merits, to avoid duplication and

- because of the clear relationship between the two proposals, I have dealt with the two schemes together in this document unless otherwise indicated.
- 5. The Council confirmed that it did not wish to proceed with reason for refusal 3 for both appeals (transport contribution) and because an appropriate contribution had been made by the appellant towards open space, this had overcome reason for refusal 2 in both appeals. I have therefore determined the appeals on that basis.
- 6. For the avoidance of doubt and with the support of the Council, I have used revision P5 of Drawing No 07/1390/100 because it includes some minor amendments (for example additional planting areas) which were made in response to comments made by the Council.
- 7. Reference is made on the drawing referred to above, in the appellant's Statement and in the Design and Access Statement to the retention and reinforcement of the eastern boundary hedge. However, the hedge has been removed and I have taken that into account in my determination of the appeals.

Main Issues

- 8. For both appeals I consider the main issues to be the effect of the proposals on:
 - · the character of the area; and
 - the living conditions of neighbours, particularly in terms of loss of outlook.
- 9. In addition I consider the level of parking provision to be a main issue in relation to Appeal A.

Character of Area

- 10. To the west of the site lies Colehill Gardens which is a cul-de-sac of 5 dwellings that I was told was completed in 2002. To the east runs a public footpath that I saw provided a link between a number of local estate roads and the main road into Bishops Waltham. To the south lie the back gardens of properties in Siskin Close.
- 11. I walked along the footpath and the existence of a variety of planting and grassed areas, together with the relationship between the path and adjacent housing, results in an attractive and reasonably spacious setting for the path. Although I have not seen the former hedge along this boundary, from the evidence that I have been given (including photographs), I consider that it did make an important contribution to the character of the area and that in principle it should have been retained in order to meet the requirement of saved policy DP.4 (iii) of the Winchester District Local Plan Review (LPR).
- 12. The proposed dwellings on plots 3 and 6 in Appeal A would be very close to the footpath the greatest distance being less than 2m. In Appeal B the dwellings have been moved slightly further away from the path but would still be within about 2 to 5.5m.

- 13. The wide flank walls on the boundary with the public footpath would, in Appeal A, incorporate small windows but would not have any significant relieving features in Appeal B and in my opinion, in both circumstances, would result in a dominating and incongruous presence when viewed from the path. I have carefully considered whether or not the provision of planting along this boundary could satisfactorily mitigate the visual impact of the development from the path but on the evidence I have been given I am not satisfied that this could be achieved because there would be insufficient space to accommodate the depth and height of screening that would be required.
- 14. I viewed the site from two properties in Kestrel Close on the other side of the public footpath but consider that the distances between them and the development, and the orientation of the existing dwellings to the proposed housing, would mean that any impact on their outlook would not be significant.
- 15. In terms of Appeal A the detached dwellings on plots 4, 5 and 6 would be very close together and there would be a similarly close relationship between plots 4 and 5 in Appeal B. As such the development in both schemes would appear cramped, particularly in views from the public footpath and from the proposed access to the site. Although these are not matters on which my decisions on these appeals have turned they add weight to my findings on the first issue.
- 16. With regard to the amount of hardstanding I share the Council's concern that, unlike at Colehill Gardens, there is insufficient space in both proposals to enable the provision of appropriate planting which would soften the visual impact of the access and parking areas and provide an attractive setting for the development.
- 17. Appeal A would provide limited opportunities for planting, for example along the boundary with 3 Colehill Gardens but there would be few areas of incidental open space and in my opinion the development would be dominated by the buildings, hard surfaced areas and the boundary fences.
- 18. With regard to Appeal B I acknowledge that some small additional planting areas are proposed in revision P5 but the access still runs for most of its length immediately adjacent to the boundary with 3 Colehill Gardens and a significant area to the front of the site, which would be seen through the entrance, would be used for parking and in my opinion would detract from the setting of the dwellings.
- 19. Planning Policy Statement 3: Housing (PPS3) supports the effective and efficient use of land and I note that in terms of density the proposals would exceed the suggested minimum density of 30 dwellings per hectare. Although in terms of density the proposals would be acceptable, paragraph 50 of PPS3 implies that the efficient use of land should be achieved without compromising the quality of the local environment.
- 20. PPS3 also advises that more intensive development is not always appropriate. In paragraph 13 it states that design which is inappropriate in its context should not be accepted and in paragraph 16 it advises that new development should be well integrated with the local area. Although, per se, the design of the individual dwellings may be acceptable, I consider that their layout and relationship with each other and with the adjacent public footpath would be

- unacceptable and that the objectives of PPS3 referred to above would not be achieved.
- 21. On the first issue I conclude that both proposals, by reason of their cramped layout, lack of opportunities to soften the impact of the development within the site and their proximity to the public footpath, would have a detrimental impact on the character of the area. The requirements of LPR saved policies DP.3 and DP.4, which seek to ensure that development is appropriate in terms of design, scale and layout, responds positively to the character of the local environment and would maintain or enhance the District's townscape, would not be met.

Living Conditions of Neighbours

- 22. As well as from the properties in Kestrel Close referred to above, I viewed the site from numbers 3 and 5 Colehill Gardens and 8 Siskin Close.
- 23. Although the access and parking area would be close to No 3 there are no habitable rooms that overlook the site. I accept that there would be some noise from vehicles manoeuvring on the site. However, I noted that Winchester Road is a significant source of noise and against that background the activity generated from the 6 dwellings would not in my opinion have a seriously detrimental effect on the living conditions of the occupiers of No 3.
- 24. To the rear of No 8 I saw that substantial planting exists which extends along the back of the adjacent properties in Siskin Close. It is proposed to retain this planting and it could be strengthened through the imposition of an appropriate condition. I consider that the distances between plots 4 to 6 and the dwellings in Siskin Close, would ensure that the living conditions of those neighbours would not be significantly harmed, both in terms of loss of outlook and loss of privacy a conclusion also reached by the Council.
- 25. With regard to No 5 I saw that there is significant planting along the rear boundary and that it sits higher than the appeal site. The back garden is about 11m in depth. In both proposals the property on plot 4 would be very close to the boundary and although the proposal in Appeal B would be slightly lower than that in Appeal A, even taking into account the change in ground levels, I consider that the dwelling on plot 4 would appear overbearing, both from the garden (which I saw includes a patio area) and from upstairs bedroom windows, one of which would look directly towards the side wall of the dwelling.
- 26. On the second issue I conclude that both proposals would have a significant impact on the occupants of No 5 through loss of outlook and the overbearing presence of the dwelling on plot 4. The requirement of LPR saved policy DP.3 which seeks to ensure that development would not have an unacceptable adverse impact on adjoining land, uses, or property, would not be met.

Parking Provision (Appeal A)

27. According to the submitted drawing the proposal in Appeal A includes 10 parking spaces and not the 9 referred to in the Council's Statement. The Hampshire County Council Residential Parking Standards (which I was told by the Council have been withdrawn) would have required a maximum of 15 spaces to be provided, although that figure could have been reduced in areas of high accessibility.

- 28. The City Council are currently preparing Supplementary Planning Guidance (SPG) on Parking Standards but the SPG has not yet been adopted. Although I can attach only limited weight to its contents, I note that, according to the appellant, it would require at least 11 spaces to be provided.
- 29. Although there is what could be described as a policy vacuum at the local level, Planning Policy Guidance Note 13: Transport (PPG13) in paragraph 49 advises that reducing the amount of parking is essential but only as part of a package of planning and transport measures to promote sustainable travel choices. Therefore although paragraph 51 of PPG13 refers to developers providing no more parking spaces than they themselves wish, this has to be done as part of a package, determined at a local level to reflect local circumstances.
- 30. The appellant's Technical Note prepared by RGP, confirms that the site "does not achieve a high level of accessibility". I was not told about any proposals to improve, for example, public transport provision in the locality and although the appellant referred to the bus service along Winchester Road, I was given no details regarding service pattern or frequency. No detailed evidence was submitted regarding the sustainability credentials of the site in transport terms or of any package of measures as required by PPG13.
- 31. At the Hearing the appellant stated that an additional parking space could be provided if the parking arrangement for Appeal B was adopted. This would result in the area of hardstanding to the front of the site being increased. I have already concluded in paragraph 18 that such a large surfaced area would detract from the setting of the dwellings.
- 32. On the third main issue I conclude that there is insufficient justification to support the provision of only 10 spaces for 6 dwellings (which includes 3 four bed properties) in Appeal A. I consider that, based on the information I was given, there is an unacceptable risk that vehicles would park on the highway or adjacent areas of grass, to the detriment of the safety of other road users.

Conclusion

33. For the reasons given above and having considered all other matters raised, including the varied palette of materials that would be used, I conclude that the appeal should be dismissed.

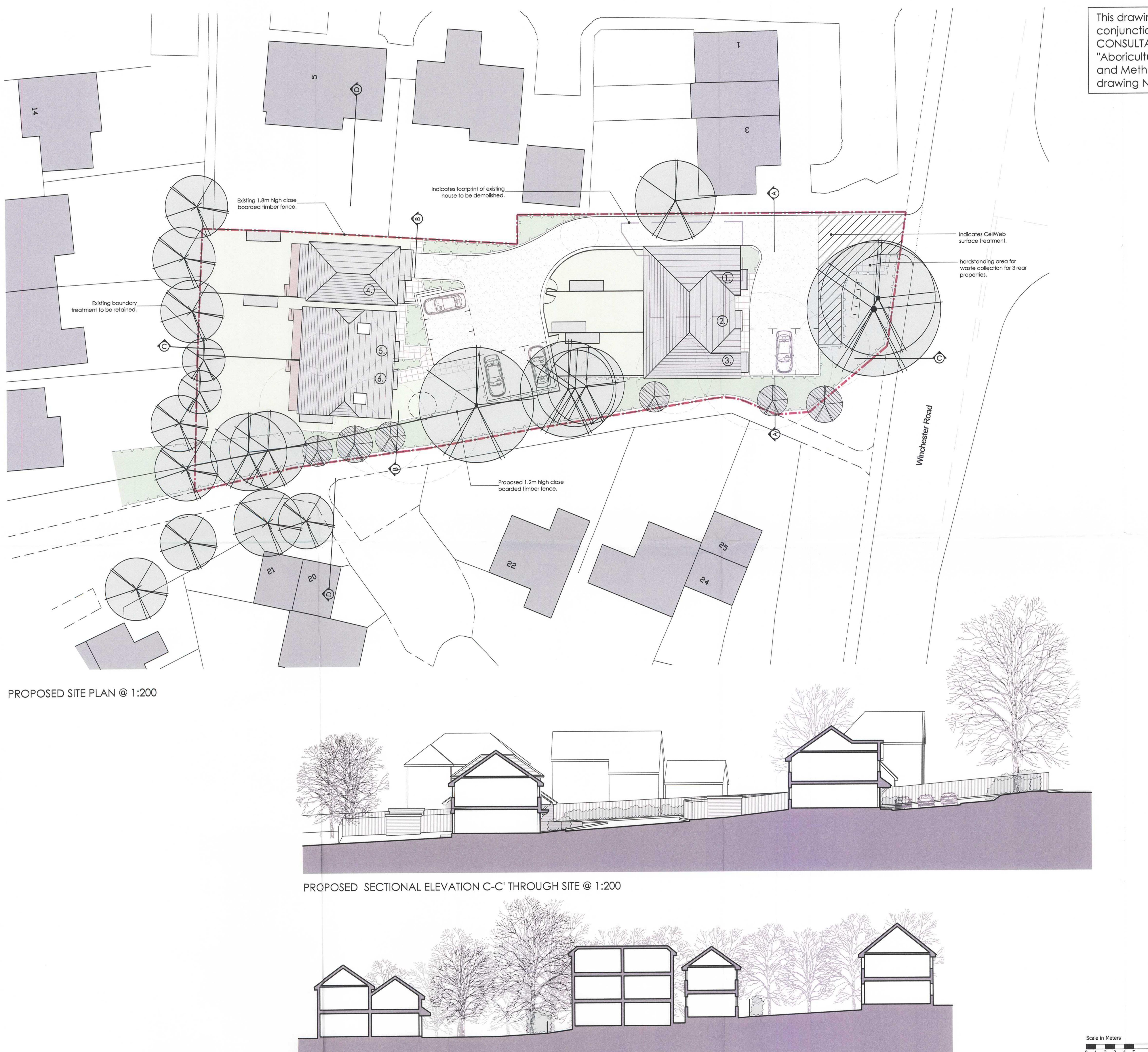
David Hogger

Inspector

DOCUMENT SUBMITTED AT THE HEARING

1	Letter from the City Council dated 14 July 2009 confirming payment	by tl	ne
	Appellant of the open space contribution.		





This drawing is to be read in CONSULTANCY: -

drawing No. "Plan 7421-BT3"

WINCHESTER CITY COUNCIL PLANNING DEPARTMENT

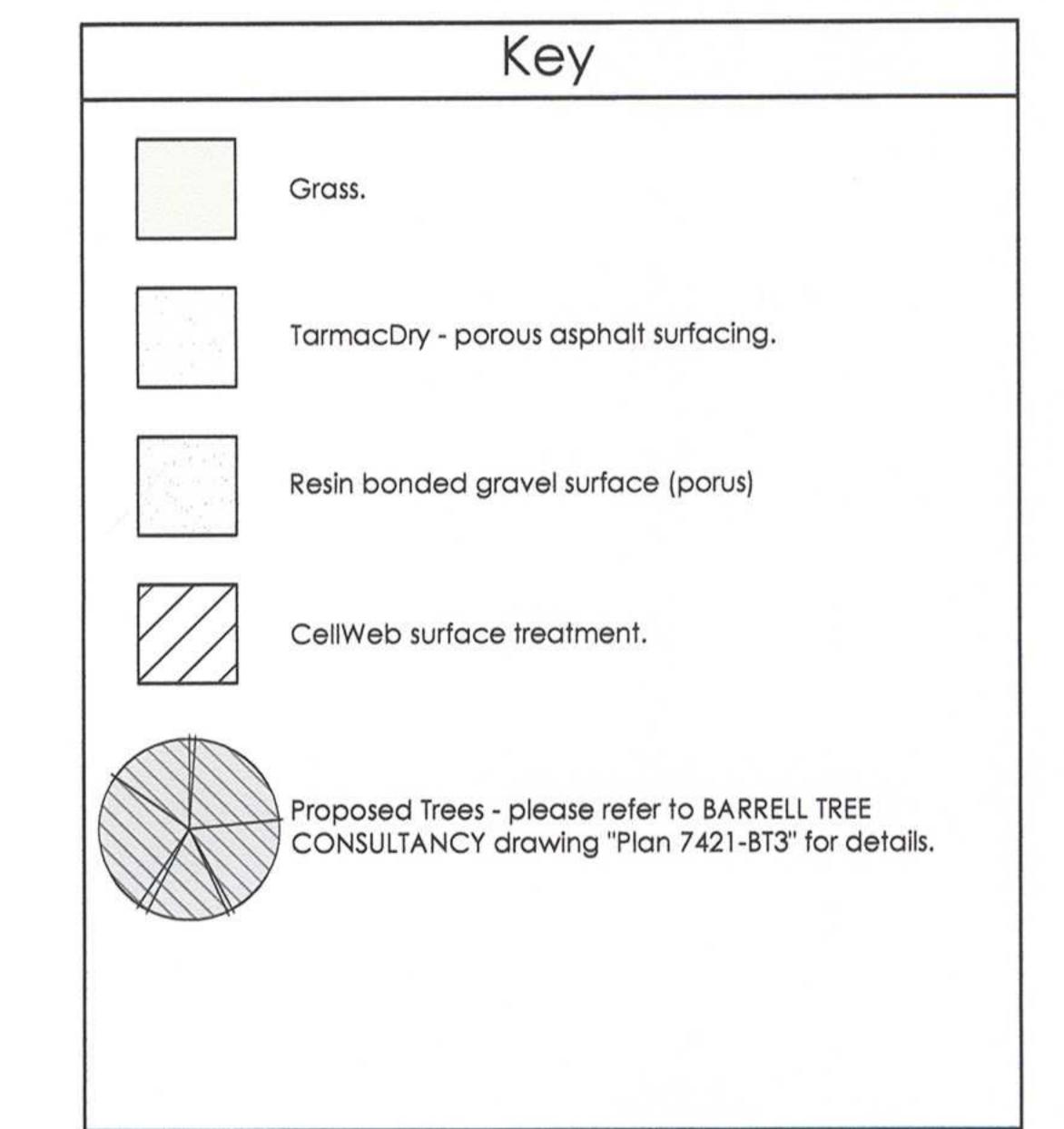
15 JAN 2009

the copyright owner."
The council does not accept responsibility for the accuracy

conjunction with BARREL TREE "Aboricultural Impact Appraisal and Method Statement" and



LOCATION PLAN @ 1:1250



		Sqm.	Sqf.
Area		1650.00	17760.60
Area Density	36 Dwellings per Hectare		

Unit no.	Beds	Storeys	Sqm.	Sqf.
1	2	2	72	775
2	2	2	67	721
3	2	2	72	775
4	3	2	92	990
5	4	2.5	107	1151
6	4	2.5	107	1151

Parking spaces increased to 12No /
aboricultural info co-ordinated / position of JCB
bin/cycle store to unit 6 altered.

P2 Dec 08 Planning Application



Brankesmere House Queens Crescent, Southsea

ARCHITECTS Web: www.plcarchitects.com

Belgarum Developments

Proposed Residential Development Little Orchard, Winchester Road Bishops Waltham, Hampshire

for 1:200

Proposed Site Plan Proposed Sectional Elevation C-C' Proposed Sectional Elevation D-D'

07 | 1390 | 100

PLC ARCHITECTS © COPYRIGHT RESERVED 2008 NOT TO BE SCALED. DIMENSIONS TO BE CHECKED ON SITE SCALING ONLY FOR LOCAL AUTHORITY PURPOSES

PROPOSED SECTIONAL ELEVATION D-D' THROUGH SITE @ 1:200