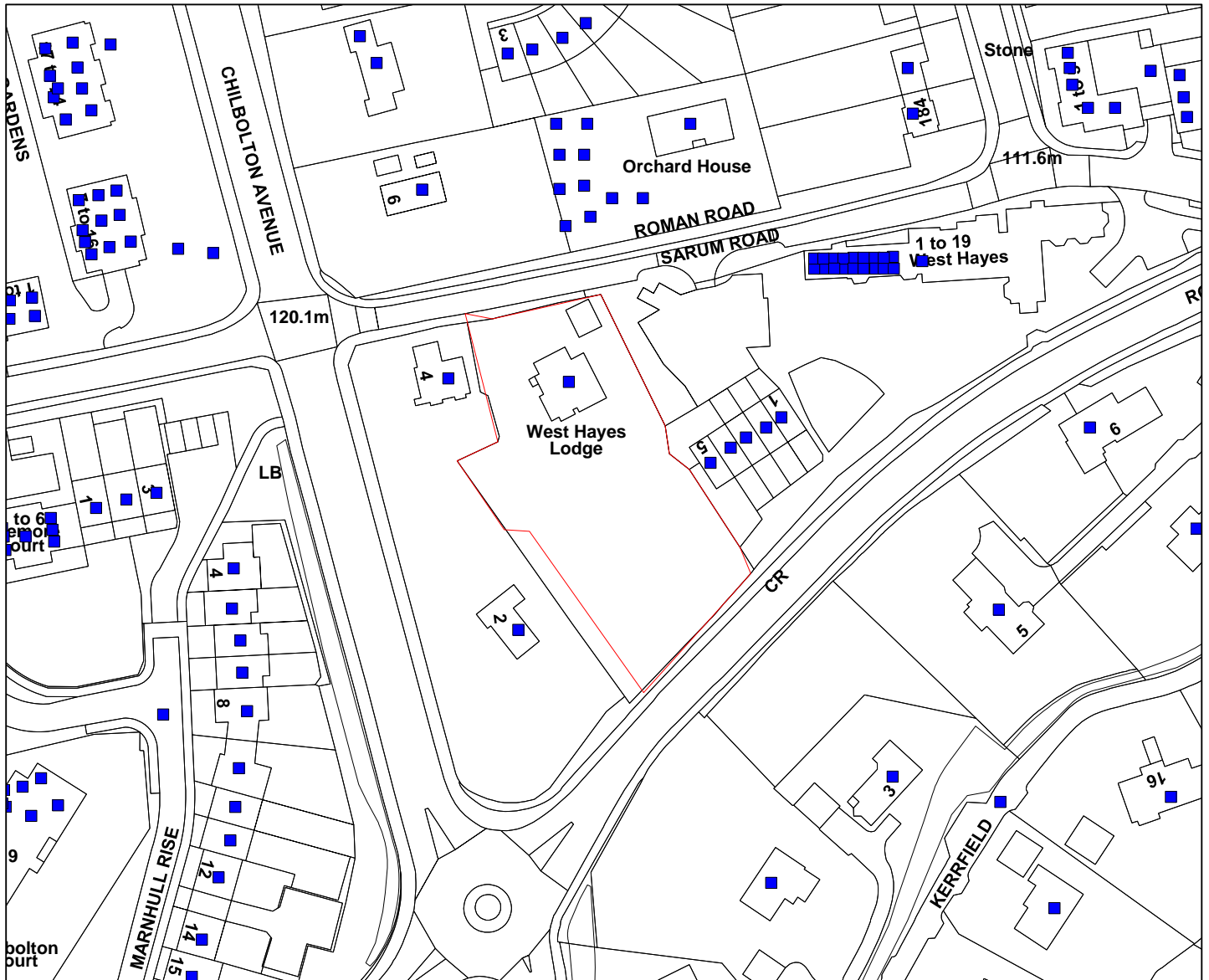


West Hayes Lodge, Sarum Road, Winchester



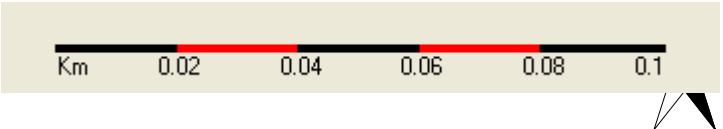
Winchester
City Council

09/02317/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	25 February 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No:	2
Case No:	09/02317/FUL / W19405/03
Proposal Description:	(Amended Plans) Demolition of existing dwelling and erection of three No. 2 bedroom flats, one No. 1 bedroom flat over garages and four No. 4 bedroom dwellings and associated parking and access improvements
Address:	West Hayes Lodge Sarum Road Winchester Hampshire SO22 5EZ
Parish, or Ward if within Winchester City:	St Paul
Applicants Name:	Mr Stuart Forrester
Case Officer:	Mr James Jenkison
Date Valid:	11 November 2009
Recommendation:	Application Permitted

General Comments

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

The proposal follows the refusal of an earlier application, ref: 08/00718/FUL. The appeal in respect of that application was dismissed, and a copy of the appeal Inspector's decision is appended to this agenda item.

Amended plans were received on 22nd January 2010 reducing the number of windows and doors in the side elevation of plot 7, with high level windows at 1st floor level. The design of the flat-over-garage dwelling (plot 8) has also been amended, to better resemble the design of a garage with a roof conversion, and replaces an external staircase and landing with an internal lobby and stairwell.

The proposal is a substantially reduced scheme from the 10 dwellings dismissed at appeal on 14th May 2009. The Inspector noted that the earlier scheme provided a sufficient level of on-site amenity and garden space for all of the dwellings proposed, that the retention of mature trees at the boundaries would not be threatened by the proposed development, and that there would be no harm to highways safety.

However, the Inspector considered that the apartment block proposed at the front of the site (comprising 6 flats) was too big and that the windows in the west elevation (facing over the back garden of No. 4 Chilbolton Avenue) would cause an unacceptable loss of privacy to this neighbouring property. The Inspector also considered that the two pairs of 4-bedroom semi-detached dwellings at the rear of the development were effectively 3 storeys high and therefore too big and too close to neighbours' boundaries, causing an unacceptable overbearing impact on the amenities of No. 2 Chilbolton Avenue.

The Inspector also considered that the proposal included too great an amount of hard surface areas and buildings, with parking in some places being pushed too close to site boundaries and preventing effective boundary planting. In addition to this, a precautionary approach was taken in relation to the potential presence of a bat roost in

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the roof of the existing building to be demolished. At the time of the appeal, it was considered that there was not enough information on this matter.

The scheme proposed under the new application is considered to have overcome the concerns of the Council and Inspector, by reducing the number of proposed dwellings to eight, and reducing the size of the semi-detached houses to modest 3-bedroom dwellings. In doing this, the applicant has been able to design a scheme of a more domestic scale, which is similar to surrounding properties and fits more comfortably within the site and preserves space at the boundaries. It also provides more landscaping and more and better amenity space on-site and ensures that the buildings, landscaping and hard surface areas form a well designed internal courtyard within the site. Importantly, this scheme does not include high retaining walls with fences set on top of them. The only retaining wall is in front of plots 4-7, allowing these buildings to follow the landslope and roofline of adjacent residential properties. Additionally, an effective bat mitigation strategy has been formulated, which includes installing bat boxes on the outside walls of the apartment building.

More discernable gaps have been created between the two pairs of semi-detached dwellings proposed at the rear of the site, creating more space about the buildings, and providing an effective transition from the terraced houses of Nos.1-5 Sarum Road and the detached dwelling at No. 2 Chilbolton Avenue. Plot 7 has been set further away from the boundary with No.2 Chilbolton Avenue and this, along with the reduction in size of the building and the use of a roof sloping away from the common boundary, allows for the provision of boundary landscaping.

Functional chimneys have been included within the design of the semi-detached dwellings, giving visual interest to the roofline and elevations, and the flat over garage on plot 8 has been designed as a modest 1-bedroom apartment, with windows facing over the courtyard, which complement the gable end roof design of the semi-detached dwellings. Bricked-in windows have been incorporated into the north sidewall of this building, to give this elevation a degree of visual interest.

Site Description

The application site (West Hayes Lodge) comprises a large residential property of approximately 0.236 hectares and lies on the southern side of Sarum Road, just to the east of its intersection with Chilbolton Avenue. The plot is centrally located within a triangular street block bounded by Romsey Road, Sarum Road and Chilbolton Avenue, with the land sloping downwards from Chilbolton Avenue to Romsey Road. There are two large residential properties with detached houses to the west of the site (Nos. 2 & 4 Chilbolton Avenue) and a group of terraced houses with a large shared parking forecourt adjacent to Sarum Road to the east of the site (Nos. 1-5 Sarum Road). Mature tree planting along site boundaries and the Romsey Road boundaries effectively screens these properties from public views.

West Hayes Lodge is an older, 2½ storey detached dwelling set back from the highway, with a mature hedge on the Sarum Road boundary which is punctuated by the access to the site. Separating the dwelling from the boundary hedge is a small area of planting, a garage and a gravelled parking and turning area. The entrance to the dwelling is from the west side, with extensive windows in the rear (south) and west elevations, and the front elevation has the appearance of a side elevation. The result of this is that the

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existing dwelling on the site has a large number of living room windows facing over the back garden of No.4 Chilbolton Avenue, including a large dormer window in the roof.

No. 4 Chilbolton Avenue comprises a recently extended house set in a large corner plot at the junction of Chilbolton Avenue and Sarum Road. Access to the site is via Chilbolton Avenue, allowing the front garden on Sarum Road to be utilised as additional amenity space by the extended dwelling. The back garden for this property rests on the north side of a salient of the application site, resulting in the application site extending along the east and part of the rear boundary of the back garden for No.4 Chilbolton Avenue. The dwelling at No.4 angles away from West Hayes Lodge and the rear elevation has large 1st floor windows set within shallow bay windows. The recent side extension to No.4 has brought this dwelling closer to the common boundary and the room at 1st floor level is therefore able to benefit from oblique views over the application site.

The dwelling at No. 2 Chilbolton Avenue is a contemporary detached house, located centrally within a large plot of land. The corner location of the site enables the dwelling to benefit from spacious outlook from all four elevations, including over the application site. The dwelling is set back 10-13 metres from the common boundary with West Hayes Lodge, and separated from it by a parking forecourt and double garage. There are two mature trees near the boundary here, which partially screen views into the application site. The back garden for No.2 is at the south west corner of the site, and screened from Romsey Road and Chilbolton Avenue by trees.

The rear garden of West Hayes Lodge steps down in terraces from Sarum Road to Romsey Road, where a thick belt of mature trees provides effective screening of the site from the road. Nos.2 and 4 have access from Chilbolton Avenue. No.4 has a continuous mature hedge along the Sarum Road boundary, and this, along with the front and side boundary landscaping of West Hayes Lodge, provides a leafy character to the west side of the street block here. The character of the south side of Sarum Road here is mixed, with traditional frontage buildings at Nos. 1-19 Sarum Road, West Hayes Lodge and No. 4 Chilbolton Avenue being interrupted by a modern terrace development at Nos.1-5 Sarum Road, set 26 metres back from the road frontage and having a large carparking forecourt adjacent to the road. This interruption is made more apparent by the lack of transition between the denser eastern end of the block and the more spacious western end.

The five dwelling terrace at Nos. 1-5 Sarum Road adjoins the site to the east and is set at a lower level to the rear garden of the application site, with a retaining wall to the boundary and a post and rail fence dropping towards the Romsey Road boundary. Within the west gable end of the terrace of dwellings, there are two small, high level windows, one at ground floor level and one within the first floor. This terrace has a deep profile, resulting in a large gabled elevation facing over the back garden of West Hayes Lodge.

Opposite West Hayes Lodge, to the northern side of Sarum Road, is a tall 3 metre high hedge, which provides a screen for any development or dwellings beyond. Orchard House has recently been redeveloped and reflects the more intensive form of development at the eastern end of Sarum Road.

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Proposal

The proposal involves the demolition of the existing house and garage and its replacement with four semi-detached houses at the rear of the site, a flat-over-garage arrangement at the west boundary and a 2 ½ storey apartment building at the front of the site facing onto Sarum Road. The existing access will be utilised and the existing garage and hardstanding in the front garden will be replaced by landscaping and bin collection areas. The access will lead to a formal carparking forecourt at the centre of the site, which will be set adjacent to a common amenity area.

The proposed apartment building at the front of the site will have a wall height of approximately 5 metres and a total height of approximately 9.5 metres, and will incorporate cycle storage at the entrance. This building will have the design and appearance of a large house, similar in scale to the existing one to be demolished, and has been designed with the main windows facing towards the front and rear, with the west elevation (facing over the rear garden of No.4 Chilbolton Avenue) having no windows within it. This building will be set approximately 7.5-11 metres from the front boundary, 5.5 metres from the east side boundary with Nos. 1-5 Sarum Road and 11-14 metres from the west side boundary with No.4 Chilbolton Avenue.

The proposed flat-over-garages (plot 8) will be set approximately 7 metres from the rear garden of No.4 Chilbolton Avenue and between 1.6 and 3 metres from the boundaries with No.2 Chilbolton Avenue. This building is proposed to be excavated approximately 0.5 metres into the ground, approximately 1-1.5 metres lower than the ground level of the back garden of No.4 Chilbolton Avenue and approximately 2 metres below the floor level of the neighbouring house. The north side elevation will have a depth of approximately 6.3 metres, an eaves level of approximately 2.6 metres and a ridge height of approximately 6.8 metres. The revised design has also incorporated the stairway into the building.

The proposed semi-detached dwellings at the rear of the site are set in line with the side elevations of Nos. 1-5 Sarum Road and 2 Chilbolton Avenue. The dwellings will be set level with one another on the lower section of land on the southern part of the site, which will require a retaining wall and steps to a common footpath, allowing pedestrian access to the dwellings. The sidewall for plot 4 is approximately 5 metres from the sidewall of No. 5 Sarum Road and 1.8-2.5 metres from the common side boundary. The sidewall for plot 7 has been set approximately 13.5 -16 metres from the side elevation of No.2 Chilbolton Avenue and approximately 2.2-3.2 metres from the common side boundary. The pair of semi-detached houses will be separated from each other by a 2.5 metre gap (excluding chimneys). The dwellings will have pitched roofs at the front and hipped roofs to the rear, an eaves level of approximately 5.1 metres and a roof ridge height of approximately 8.3 metres. The eaves level and ridge height of these buildings will be approximately 0.5-1.0 metres above that of No. 2 Chilbolton Avenue and will take advantage of the landslope to create basements.

Relevant Planning History

08/00718/FUL: 10 no. dwellings comprising of; 4 no. four bedroom semi detached town houses, 6 no. two bedroom flats and 20 no. parking spaces - Refused - 27/06/2008 - Appeal dismissed - 14/05/2009.

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09/00181/PRE: Demolition of existing building and replace with 4 no. town houses, 3 no. flats and 2 no. flats - Pre-application opinion provided - 04/03/2009.

Consultations

Landscape Team:

Raised no objection to the proposal, noting that many trees were to be felled and new tree planting would be required, particularly along the northern and eastern boundaries, to maintain the leafy character of Sarum Road and the surrounding area. Spaces were identified within the site for shrub and large tree planting. Hedgerows were recommended to be of mixed native species and trees recommended to be indigenous to the area and suitable for the soil conditions. Landscaping conditions were recommended, including tree protection measures recommended by the Arboricultural Officer (Conditions 3-6 & 21).

Drainage Engineer:

Raised no objection to the proposal and recommended a sustainable drainage (SUDS) condition (Condition 19).

Highways Engineer:

Considered the principle of development to be acceptable and recommended conditions of consent (Conditions 7-11).

Environmental Protection Team:

Raised no objection to the proposal and recommended contaminated land conditions and informatives in respect of construction hours and no on-site burning, if appropriate (Informatives 3 & 4).

HCC (Ecology):

Recommended conditions to secure a bat mitigation strategy and bat protection measures (Conditions 17 & 18).

Southern Water:

Is able to provide a water supply to the site, and recommended an informative relating to sewage disposal (Informative 6).

Representations

City of Winchester Trust:

Commented that it did not believe that external chimneys were sustainable and that the application did not make clear whether if porous surfaces would be used for areas of hardstanding.

6 letters received objecting to the application, for the following reasons:

- Worse impact than previous scheme;
- Overbearing impact;
- Overlooking and loss of privacy, exacerbated by loss of landscaping;
- Bin collection point adjacent to outdoor living area of side garden of No.4 Chilbolton Avenue, would cause nuisance;

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- Overshadowing;
- Pedestrian/highways safety issues and increased traffic congestion;
- Proposal visually intrusive;
- Proposal overdevelopment.

Relevant Planning Policy

South East Plan 2009:
CC6

Winchester District Local Plan Review
DP3, DP4, DP5, DP9, H1, H3, H7, RT4

National Planning Policy Guidance/Statements:
PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 9 Biodiversity and Geological Conservation
PPG 17 Planning for Open Space, Sport and Recreation

Supplementary Planning Guidance
Chilbolton Avenue Local Area Design Statement

Planning Considerations

Principle of development

The principle of residential development within settlement boundaries, is acceptable.

Design/layout and impact on the character of the area

The proposed three dwelling apartment building at the front of the site creates the impression of a 2½ -storey detached house, and reflects the domestic nature and scale of the original house and the original street character of Sarum Road. Constructing this accommodation as flats ensures that the land around it can maintain an open landscaped appearance, with space around the building. This building incorporates cycle parking within it, reducing the need for additional ancillary structures around the site. This building is of a substantially smaller scale than that of the previous scheme dismissed at appeal, which sought to create a much larger building incorporating six apartments. It is considered that the design positively responds to the large carparking forecourt at the front of Nos. 1-5 Sarum Road, providing a sense of enclosure and overlooking, whilst at the same time being screened by trees.

The two pairs of semi-detached houses, towards the rear of the site, are set side by side with No. 2 Chilbolton Avenue and the terracing of Nos. 1-5 Sarum Road and therefore continue the sense of a logical row of houses. The proposed houses are 2 storeys high and have a ridge height approximately 0.5 -1.0 metres higher than the roof ridgelines of Nos. 2 Chilbolton Avenue and 1-5 Sarum Road. The result is a domestic building scale consistent with that of the surrounding development. Additionally, noticeable gaps are maintained between the two pairs of semi's and the side boundaries, creating an effective transition from the terraced nature of Nos. 1-5 Sarum Road and the detached character of No. 2 Chilbolton Avenue. This differs substantially from the scheme dismissed at appeal, where the semi-detached houses were closer to

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the boundaries and each other, and had much larger sidewalls.

The design of the garage building, with the flat above, has been amended and now provides a more honest architectural reflection of an outbuilding which has had its roofspace converted into residential accommodation. The scale of the building reflects this, and the three dormers facing over the parking court of the application site correspond to the gable design of the houses on plots 4-7. Conditions 12-14 have been recommended to ensure that this building cannot be converted for use as an integrated dwellinghouse, as this would undermine the design unity of the development.

The reduction of the number of dwellings from the scheme dismissed at appeal, has resulted in a proposal that has a less intensive and more domestic scale, layout and design, which sits more comfortably within the plot. The amended proposal does not require extensive hard surfacing, due to the commensurate reduction in carparking resulting from fewer units. The proposal creates a centrally located courtyard enclosed by buildings of an appropriately domestic scale, design and layout. An adequate amenity space is created within the site, adjacent to the parking forecourt, and the buildings are set at comfortable distances from one another, to avoid a cramped appearance.

Another notable difference from the scheme dismissed at appeal is that this proposal provides adequate space between boundaries and buildings and hard surface areas to allow for the protection of existing landscaping and the provision of new landscaping at the boundaries, including sufficient space for mature trees to flourish. The Landscape Team raised no objection to the proposal but noted the importance of the need for landscaping and tree protection and replacement conditions (Conditions 3-6 & 21). Provided that good quality hard surfacing materials are used, the hard and soft landscaping details should be able to effectively complement each another.

Impact on neighbouring properties

Nos. 1-5 Sarum Road have their front and rear elevations facing towards Sarum Road and Romsey Road, and there will be no direct inter-visibility between the windows of the habitable rooms of the dwellings and the proposed development. The sidewall of No.5 Sarum Road does not have primary windows for habitable rooms and the perceptions of space are maintained, as plot 4 is set side by side with No.5 and has a similar depth, and plots 1-3 are in a similar position to the original house (and approximately 21 metres away). Plots 1-3 are set approximately 5 metres away from the common side boundary, ensuring that mature landscaping is able to be comfortably retained and new landscaping introduced here, which will act as a foil to the building. The spatial relationship between buildings and windows, the scale of the development, the space about the buildings and the landscaping at the boundary, should ensure a comfortable relationship with Nos. 1-5 Sarum Road and the proposal is not considered to have a materially harmful effect on the amenities of these houses.

Nos. 2 and 4 Chilbolton Avenue are corner plots, with dwellings set approximately 38 metres apart from each other and with intervening mature landscaping. These dwellings, therefore, have a spacious landscaped outlook to the north, west and south which is unaffected by the proposed development, though the proposed garage/flat will be evident when looking south from No.4. This building is small scale, with a single storey eaves height of 2.6 metres and a ridge height of approximately 6.8 metres. The building will have a depth of approximately 6.3 metres and will be set 1-2 metres lower than the

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ground level of No.4. The gable end of this building does not have glazed windows, is set approximately 17 metres from the rear elevation of No.4 and does not face directly towards this property, which angles away from the garage/flat. The design and small size of the building, its distance from the neighbouring property and its lower land level should ensure that no materially harmful overshadowing will result from the proposal and also ensure that it will not be a dominant or overbearing visual feature. There is also ample space for effective boundary landscaping to be provided on the application site, to help soften views of the building and trees, which will mean that there will be no material harm to the outlook of No. 4 Chilbolton Avenue. Additionally, the rooflights of the flat face across an area that predominantly comprises landscaping associated with the entry driveway to No.2 Chilbolton Avenue and is therefore not considered to be materially harmful to the privacy of either No. 2 or No. 4 Chilbolton Avenue.

The omission of sidewall windows from the apartment building at the front of the site reduces the level of overlooking of the back garden of No.4 Chilbolton Avenue from that which currently exists. Whilst this design does result in an exposed sidewall, its scale and level of fenestration, combined with its distance to the side boundary of No.4 (12 metres) would mean that the new building would not materially harm the amenities of this neighbour. Whilst a bin collection point has been set approximately 2 metres away from the front garden of No.4, collection occurs at infrequent set periods and would only result in brief disturbance at known times, when all other residents in the street are also putting bins out for collection. It is considered that this arrangement would not be materially harmful to the neighbour's amenities.

When assessing the scheme dismissed at the appeal, the Inspector considered that the proposal would have a materially harmful impact on the amenities of No.2 Chilbolton Avenue by way of a dominating and overbearing effect. That proposal included what was, in essence, a 3-storey high flank wall set just 1 metre from the common boundary. The proposal set out in the new application is substantially different, as it is set further away from the boundary (2.2 metres at its closest point) and has a much more modest scale of 2 storeys, a height to eaves level of only 5.1 metres, a 45 degree roof pitch sloping away from the boundary and the roof hipped at the rear. The plans also indicate that functional chimneys are to be incorporated into the buildings, providing visual interest to the elevations. Plot 7 will be set approximately 13.5 metres from the nearest window of the neighbour's house and approximately 16 metres from the main elevation. A building of this size and scale, and at these distances, and taking into consideration the layout of No. 2 Chilbolton Avenue and the use of the side garden as a parking area, is not considered to have a significantly harmful overbearing or dominating impact on the amenities of No.2.

The applicant has submitted amended plans for the side elevation of plot 7, to ensure that the only windows at 1st floor level are two small high level windows for bathrooms and that, at ground level, there is only a service door for the kitchen. It is therefore considered that the proposed development would not have a materially harmful impact on the privacy of No. 2 Chilbolton Avenue.

The development, as a whole, is considered to have a comfortable domestic scale and appearance which is not out of character with neighbouring properties and is not considered to be materially harmful to neighbouring amenities, due to the conditions recommended, which include details of materials (Condition 2), drainage (Condition 19), floor slab levels (Condition 20), hard and soft landscaping (Conditions 3-6) and the

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removal of permitted development rights (Conditions 15 & 16)

Landscape/Trees

The application includes a professional arboricultural assessment where some mature trees have been specified for removal, with the majority being retained. The retained trees include the belt of trees along Romsey Road, the trees adjacent to the sidewall and front garden of No.4 Chilbolton Avenue and the group of trees at the north east corner of the site adjacent to Sarum Road. The proposal allows sufficient space within the site and at boundaries for replacement trees to be able to mature, and provides an effective landscape structure to the development. The proposed development also allows sufficient space at the boundaries to allow hedge planting to flourish without pressure for removal, and the removal of the garage and hardstanding at the front of the site will be beneficial for new and existing tree planting. The Council's Landscape Architect has not objected to the proposal.

Highways/Parking

When assessing the previous proposal for 10 dwellings, the appeal Inspector was satisfied that the additional vehicle movements arising from the proposal would not have a significant impact on highway safety; a view shared by the Council's Highways Engineer. The access arrangements for this reduced proposal are the same as for the previous proposal, and it is therefore considered that the proposal will not have a materially harmful impact on highways safety.

Bats

The bat survey undertaken by the applicant has shown that a single bat occasionally visits the site and uses the roof of the existing house, but that there is no bat roost. When dealing with applications where European protected species are affected, the Council needs to consider the following tests.

- (i) the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';*
- (ii) there must be 'no satisfactory alternative'; and*
- (iii) the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.*

The housing policies of the Local Plan support the principle of residential development within built up areas of the District, including Winchester. When sites like this one become available for redevelopment, the policies advocate making the best use of the land and building at densities between 30-50 dwellings per hectare. The proposed scheme would achieve 36 dwellings/hectare (the existing density being just 4.2 dwellings/hectare). This site would help the District to meet the housing supply requirements, which is in the public interest

The development of the site, in a manner which would achieve an appropriate density, would require an access closer to the neighbouring property at No. 2 Chilbolton Avenue unless the existing dwelling is demolished and replaced by a building in a different location. This would be likely to result in problems relating to the impact of the development upon this dwelling. Furthermore, removing the existing dwelling enables a well planned development which responds positively to the character, appearance and

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variety of the local environment whilst protecting the amenities of nearby dwellings. In this sense, it is therefore considered that the scheme should be permitted, as there is no satisfactory alternative.

The applicant has submitted a bat mitigation strategy which includes the provision of bat roosts within the design of the building and bat boxes during the construction period (Conditions 17 & 18) and the proposed development would provide a more beneficial habitat for bats. As a result, the third test is considered to be satisfied.

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 £15,932.00. The applicant has completed a unilateral undertaking in this respect.

Affordable Housing/Housing mix

A development of this scale in Winchester would not require the provision of affordable housing. The proposal provides 1 x 1-bedroom dwelling and 3 x 2-bedroom dwellings with a floor area of 75m² or less and 4 x 3-bedroom dwellings, creating a housing mix of 50% smaller more affordable dwellings, in accordance with Policy H7 of the Local Plan.

Sustainable Transport Improvements (Hampshire Transport Contributions Policy).

A financial contribution for sustainable transport improvements is considered appropriate, in line with the adopted policy, as there are a number of local improvement schemes proposed for Winchester. A financial contribution of £29,586.00 would be required in this instance. The applicant has completed a unilateral undertaking in this respect.

Other Matters

This is a residential site within a residential area and there is no reason to suspect that the land here has the potential for contamination. The recommended conditions of the Environmental Health Team in this respect are therefore considered to be inappropriate in this instance.

Conclusion

Subject to suitable conditions to control detailed aspects of the scheme (design, drainage, highways, landscaping, bats and floor slab levels etc.) it is considered that the proposal makes efficient use of the land and responds positively to the character of the locality, and would represent a form of development which would provide an effective transition from the more urban higher density development to the east to the lower density suburban development to the west.

Planning Obligations/Agreements

In seeking the planning obligations for financial contributions for public open space (£15,932.00) and sustainable transport improvements (£29,586.00) 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 has completed a unilateral undertaking in this respect.

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Recommendation

Application Permitted, subject to

- (i) The securing by an appropriate legal agreement (the terms of which to be approved by the Council's Head of Legal Services) of the detailed provisions under Section 106 of the Town and Country Planning Act, for
1. Public Open Space contribution of £15,932.00
 2. HCC Transport contribution of £29,586.00.

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

and

- (ii) The following conditions:

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 in the construction of the external surfaces of the development, hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. 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:

- common and private areas of landscaping;
- existing and proposed finished levels or contours;
- car parking layout;
- other vehicle and pedestrian access and circulation areas;
- means of enclosure, including any retaining structures and boundary treatment;
- hard surfacing materials;
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following, as relevant:

- planting plans;

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- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants, noting species, planting sizes and proposed numbers/densities, where appropriate;
- retained areas of grassland cover, scrub, hedgerow and woodland;
- manner and treatment of watercourses, ditches and banks;
- an implementation programme.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development, 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.

5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than the back garden areas for plots 4-7 north of the existing fence line shown on the approved plans), shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. 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.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

7. 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.

WINCHESTER CITY COUNCIL
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8. 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.

9. Before the development, hereby approved, is first brought into use, the access shall be played back at an angle of 45 degrees.

Reason: In the interests of highway safety.

10. Before the development, hereby approved, is first brought into use, visibility splays of 2.4m by 43.0m shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 600mm in height above the level of the adjacent highway, shall be permitted within the splays.

Reason: In the interests of highway safety.

11. Before the development, hereby approved, is first brought into use, a turning space shall be provided within the site to enable vehicles using the site to enter and leave in a forward gear. The turning space shall be retained and kept available for such purposes at all times.

Reason: In the interests of highway safety.

12. The parking spaces, hereby approved (including the parking spaces under the dwelling, annotated as plot 8 on drawing No.PL.31 dated 09.11.09 Rev C, received 22 January 2010), shall not be used for any purpose other than the parking of cars.

Reason: To ensure that the building here is retained as a flat above a communal garage space only, which is important for maintaining good levels of amenity for the development and neighbouring properties.

13. The parking spaces at ground level underneath the dwelling, annotated as plot 8 on drawing No.PL.31 dated 09.11.09 Rev C, received 22 January 2010, shall remain unenclosed and shall not at any time be incorporated with the flat/dwelling above.

Reason: To ensure that the building here is retained as a flat above a communal garage space only, which is important for maintaining good levels of amenity for the development and neighbouring properties.

14. The flat above the garage, annotated as plot 8 on drawing No.PL.31 dated 09.11.09 Rev C, received 22 January 2010, shall remain as a flat and shall not at any time incorporate any surrounding land as private garden or parking spaces.

Reason: To ensure that the proposed development presents an acceptable level of planting and amenity at site boundaries and to ensure that the parking forecourt of the development is retained as a singular space that contributes to the amenities of the development.

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15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D and E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of adjoining residents and to ensure a good quality environment.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order, with or without modification), no windows, dormer windows or rooflights other than those expressly authorised by this permission shall, at any time, be constructed in any west facing elevations and roofslopes of the dwellings and flat over garages (annotated as plot 8 on drawing No.PL.31 dated 09.11.09 Rev C, received 22 January 2010). For the avoidance of doubt, the infilled windows in the north elevation of the flat over garages (annotated as plot 8 on drawing No.PL.31 dated 09.11.09 Rev C and detailed on drawing No.PL.34 dated 09.11.09 Rev B) shall be constructed as solid brick infill prior to the occupation of the flat, and shall be thereafter retained as such.

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

17. All works relating to the demolition of the existing dwelling on the site shall be undertaken in accordance with the recommendations set out in Paragraph 2.1 of the Bat Mitigation Strategy by 4 Woods Ecology dated January 2010. Prior to commencement of demolition work, a batbox shall be erected on the site, in accordance with Paragraph 2.2 of the Bat Mitigation Strategy and thereafter retained in perpetuity.

Reason: Bats are a protected species and the demolition of the house will require that, if any are discovered, they are adequately provided for.

18. Prior to the occupation of any dwelling on the site, the provision of bat roosts, in accordance with Paragraph 2.3 and Map 1 of the Bat Mitigation Strategy, shall be installed on the new building for plots 1-3 and thereafter retained in perpetuity.

Reason: Bats are a protected species and the development of the site is required to ensure that they are adequately provided for.

19. 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.

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

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DEVELOPMENT CONTROL COMMITTEE AGENDA

20. 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.

21. In this condition "retained tree" means all trees on the site and on adjacent land, unless specifically recommended for removal in the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy and dated 9 November 2009 ref: 8019-AIA2-DC.doc - 09/11/09 and submitted as a part of this application, and paragraphs and (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree 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 approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree 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 shall be undertaken in accordance with the details of the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy, 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.

For the avoidance of doubt, only those trees within tree group G12 that have been outlined in red on the plan submitted with the Arboricultural Impact Appraisal and Method Statement prepared by Barrell Tree Consultancy (ref: 8019-BT3), are hereby permitted to be removed and replaced.

Reason: To retain the well-tree'd character of the locality.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

WINCHESTER CITY COUNCIL
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2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3, DP4, DP5, DP9, H3, H7, RT4

South East Plan 2009: CC6

3. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environment Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4. No materials should be burnt on site. Where the Environment Protection Team substantiate allegations of statutory nuisance, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.

Should the applicant require further information, please contact the Environmental Protection Team.

5. The applicants attention is drawn to the fact that it is an offence to undertake works that affect the habitat of protected species without first undertaking appropriate surveys and providing a mitigation strategy and first obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005. As bats have been identified on the site, the applicant should accordingly contact Natural England to ensure that the provisions of the following legislation are satisfied, before any work is commenced on site pursuant to the permission hereby granted: Parts IV and Annexe A of circular 06/2005 'Biodiversity and Geological Conservation'; Section 40(1) of the Natural Environment and Rural Communities Act 2006 and Regulation 3(4) of the Conservation (Natural Habitats & c) Regulations 1994 and section 74 of the Countryside and Rights of Way Act 2000.

6. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd., Anglo James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.



Appeal Decision

Hearing held on 8 April 2009

Site visit made on 8 April 2009

by **James Ellis LLB (Hons) Solicitor**

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

The Planning Inspectorate
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2 The Square
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OV/1/K

Decision date:
14 May 2009

Appeal Ref: APP/L1765/A/08/2084273

West Hayes Lodge, Sarum Road, Winchester SO22 5EZ

- 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 Stuart Forrester against the decision of Winchester City Council.
- The application Ref 08/00718/FUL, dated 12 March 2008, was refused by notice dated 27 June 2008.
- The development proposed is demolition of the existing property and construction of 6 no. 2 bed apartments and 2 pairs of 4 bed semi-detached units.

Decision

1. I dismiss the appeal.

Procedural matters

2. The Council's third reason for refusal stated that the proposal failed to make adequate provision for public recreational open space. However, on 30 March 2009, the owner of the appeal site and the appellant entered into a unilateral undertaking, made under the provisions of section 106 of the Town and Country Planning Act 1990, in which undertakings were given to make contributions towards the provision of play and sports facilities within the appeal site's ward. The Council confirmed that the undertaking met with its approval. From the evidence before me, I am satisfied that the obligation is directly related to the proposed development, that it is fairly and reasonably related in scale and kind to the proposed development, and that it meets the other requirements of Circular 05/2005. I shall therefore give weight to the undertaking as a material planning consideration and I shall make my determination on the basis that it has overcome the third reason for refusal.
3. The Council's eighth reason for refusal referred to the accuracy of plans submitted with the application concerning cross sections through the appeal site and adjoining land. In order to clarify the situation, the appellant submitted revised plans numbered PL-01 rev C, PL-02 rev A, and PL-03 rev A with the appeal. At the hearing, I asked if the appellant wanted to amend the application to include the revised plans. The appellant confirmed that this was the case and the Council had no objection. I am prepared to accept the plans as an amendment to the application because the appellant has sought to overcome a concern raised by the Council and I consider that the amendment would not prejudice the interests of the Council or third parties.

4. A bat survey submitted with the application stated that a further survey should be carried out. At the hearing, I was advised that another survey was to be carried out on 22 April 2009. The results of that survey were forwarded to me shortly thereafter. The survey concluded that at least one Common Pipistrelle bat, a protected species under the Wildlife and Countryside Act 1981, as amended, was roosting at the existing house on the site (West Hayes Lodge) and that demolition of the house would result in the loss of the roost site and cause disturbance to the bat, if it were present at the time. The survey also indicated that a further survey would be required as the building has the potential to be occupied by a maternity (breeding roost) in the summer. Having regard to this, I intend to treat the effect of the proposal on bats as main issue, notwithstanding that it was not referred to in the Council's reasons for refusal.

Main issues

5. The main issues are: the effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of the future occupiers of it in terms of private amenity space; the effect of the proposal on the living conditions of the occupiers of neighbouring properties in terms of outlook and privacy, and the effect of the proposal on a protected species, namely bats.

Reasons

6. The appeal site is on the southern side of Sarum Road within a triangular block of land which is also bounded by Romsey Road (to which the site has a frontage) and Chilbolton Avenue. I am told that the plot extends to about 0.236 hectares. There are other large plots within the triangular area. The site is currently occupied by West Hayes Lodge, a two and a half storey detached house which appears to have been built in the Victorian era. There is a garage at the front of the house, together with a parking and turning area at the front and side of the house. A mature hedge marks the site's front boundary with Sarum Road. A garden area behind the house slopes down to the south-east towards the site's rear boundary with Romsey Road, where there is a close boarded fence beyond which is a belt of mature trees.
7. To the east of the rear garden is a terrace of five modest houses (1-5 Sarum Road) which is set at a lower level. There is a large car parking area between those houses and Sarum Road. There is some vegetation along the appeal site's eastern boundary. To the south-west of the appeal site is 2 Chilbolton Avenue, a detached house. There are a number of mature trees along the site's boundary with this neighbouring property. No 4 Chilbolton Avenue is another detached house and lies to the west of the existing house on the appeal site. There are some mature trees along its boundary with the appeal site.
8. Opposite the appeal site on the north side of Sarum Road is a tall hedge which provides a complete screen to development behind it. However, the Council granted planning permission on 15 May 2008 under Ref 07/01061/FUL for 6 no. one bed and 4 no. two bed flats with associated undercroft parking at Orchard House on the north side of Sarum Road, opposite Nos 1-5. On my site visit, I saw that this permission was being implemented.

9. I consider that the western end of Sarum Road, including the appeal site, has a pleasing suburban character and appearance where buildings of two to two and a half storeys, and of generally domestic proportions, are set back from road frontages within spacious garden plots. On my site visit, I saw that mature trees and hedging make a valuable contribution to this character and appearance. However, the character and appearance does change towards the eastern end of Sarum Road where dwellings, including some blocks of apartments, are set closer to the highway and are seen to be more dominant given limited scope for boundary screening. I therefore consider that the eastern end of Sarum Road has a more urban character than the western end.
10. The proposal would involve the demolition of West Hayes Lodge and its garage. A block of six flats would be built towards the site's Sarum Road frontage in a similar location to the existing house. It would, however, be set closer to the road and extend back further back into the site. The front elevation of the block would face westwards, rather than towards the road. Two pairs of semi-detached houses would be located in what is now the rear garden of the existing house, roughly in line with Nos 1-5 Sarum Road. Accommodation within the flats and houses would be on three floors with second floor accommodation within roof spaces. Eighteen car parking spaces would be provided as well as a double garage. There would also be a cycle store and a bin store. The houses would have individual rear gardens running down towards the Romsey Road boundary of the site and the flats would have a communal garden area behind and to the south of the block. The hedgerow fronting Sarum Road and a number of mature trees would be retained. Additional landscaping would also be carried out.

Character and appearance

11. In assessing the effect of the proposal on the character and appearance of the area I shall refer to the form, height, scale and mass of the flats and houses; the amount of parking and hard surfacing; the effect of the proposal on retained trees; and possible constraints on the provision of additional landscaping.
12. With regard to the proposed block of flats, I consider that this would be a significantly more bulky building than West Hayes Lodge (albeit that its roof height would be similar to the ridge height of the existing building), and other buildings in the area. This is because of the large footprint of the proposed building, with its long eastern and western elevations, and the mansard roof arrangement which, in my opinion, would only serve to emphasize the full three storey height of the building, rather than conceal it. The mass and bulk of the proposed building would be clearly seen from Sarum Road at the access to the proposal, and also from in front of the car park and turning area for Nos 1-5 Sarum Road. In this context, I note that several existing trees along the site's boundary with Nos 1-5 would be removed as part of the scheme. Consequently, it is my view that the block would be seen to be very much out of keeping with the generally domestic scale and form of the existing buildings.
13. Turning now to the houses, these would again be effectively of three storey height and they would have side walls which would be more extensive than those at Nos 1-5 Sarum Road. The submitted plans show that the houses would be on higher ground than Nos 1-5. However, at the hearing, the

appellant indicated that the slab level for the houses could be reduced by 0.9 metres and that this could be secured by condition. The houses would nearly span the width of the site with a narrow gap between the pairs, and further narrow gaps between the end units and the appeal site's eastern and western boundaries. Notwithstanding the possibility of the lowering of slab levels I consider that, because of their mass and full three storey height, the houses would be considerably more bulky than Nos 1-5 Sarum Road and 2 Chilbolton Avenue and would not, therefore, respect the scale of the neighbouring dwellings.

14. Views towards the houses from Romsey Road would be limited because of the screening provided by the existing belt of trees, albeit that some trees would be removed as part of the proposal. Moreover, additional planting could be carried out as part of a landscaping scheme. Views towards the houses from Sarum Road across the car park/turning area to Nos 1-5 Sarum Road would also be screened by existing trees. However, one pair of the houses would be seen from Sarum Road (along the access to the proposal) beyond the block of flats, and the car parking and hard surfaced areas. In my opinion, the difference in scale between the proposed houses and the existing dwellings would only exacerbate the negative impact of the block of flats.

15. West Hayes Lodge does have a hard surfaced car parking and turning area to the front and western side of it. The submitted plans, however, show that the proposal would result in a substantial increase in hard surfaced areas extending down into the appeal site. I consider that this would be particularly apparent in views in towards the appeal site from its access with Sarum Road. A wide palette of surface materials could be used in the provision of these areas, as shown on drawing No 0815 L701. I also note that some existing buildings, for example Nos 1-5 Sarum Road, have large car parking /manoeuvring areas. However, I nevertheless consider that the proposal's hard surfaced areas, together with the block of flats, the houses and various internal boundary walls, steps and railings would give the site a character and appearance dominated by a preponderance of built form. In my opinion, this would be in marked contrast to that which currently exists in the area.

16. The Council expressed concern that the relationship between the houses and belt of trees on the appeal site's Romsey Road boundary could lead to pressure for the removal of trees. However, I am not convinced that this would be the case. I note that it is the appellant's intention that the existing trees would be transferred to a management company, as per drawing No BM1, rather than to individual householders. On my site visit, I saw that trees between the gardens of Nos 1-5 Sarum Road and that site's boundary with Romsey Road had been retained albeit that the houses appear to date back to the 1980s. As regards the block of flats and trees on the site's eastern boundary, I again note that the trees would be under the control of a management company. A number of existing trees would be removed as part of the proposal. Having regard to the location of those which would remain, I consider that they would not cause significant problems to the occupiers of the flats in terms of shading windows or the communal garden area. All this suggests to me that the retained trees on the appeal site would be kept in the long term.

17. The layout of the proposal is such that buildings, car parking areas and other hard surfaced areas would, in places, be located towards the margins of the

site. I consider that this would offer little scope for effective landscaping to take place along certain parts of the site's boundaries. A good example of this is to the west of the proposed houses where there is a narrow gap to the site's boundary with 2 Chilbolton Avenue. I consider that this lack of space to provide effective landscaping in certain areas would only serve to highlight the dominance of built form and hard surfacing which would occur.

18. From the evidence before me, it is clear that the proposal would bring about a fundamental change in the character and appearance of the appeal site and the area around it. Instead of a relatively modest building surrounded by space and landscaping, there would be a substantial building set closer to the road next to a large expanse of hard surfacing and internal boundary walls, beyond which there would be another sizeable building. To my mind, this would create an urban scene which would be alien to the suburban nature of this area. This would be particularly noticeable when viewing the proposal from its access to Sarum Road. I conclude, therefore, that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policy DP.3 of the Winchester District Local Plan Review, adopted in 2006 and the Council's Supplementary Planning Document entitled 'Chilbolton Avenue Local Area Design Statement', adopted in 2006.

Living conditions of future occupiers – private amenity space

19. The four houses would be provided with relatively small rear gardens for the size of accommodation that the units would provide. I note that the Council does not have standards for private amenity space. However, in my experience, gardens of the size indicated would be adequate. The Council was concerned that the gardens would be shaded by trees on the appeal site's boundary with Romsey Road. After carrying out my site visit and noting the fall in levels of the appeal site towards the boundary, I consider that whilst the southernmost parts of the garden would be in shade for parts of the day those areas of the gardens nearest the houses would not be. I therefore consider that the proposal would provide acceptable private amenity space for the occupiers of the houses.

20. The communal private amenity area for the occupiers of the flats would be compact, but a large balcony area for one unit would also be provided. Having regard to this and the nature of flatted accommodation I again consider that the area of private amenity space would be acceptable. I note the Council's concern that parts of the garden area would be under the canopies of trees and that there would also be shading due to the orientation of the sun. However, there would also be areas that would benefit from the sun at certain times of the day. I conclude therefore that the private amenity space to be provided by the proposal would not result in harm to the living conditions of the future occupiers of it. In this respect, the proposal would not be contrary to Policies DP.3 and DP.5 of the Local Plan.

Living conditions of occupiers of neighbouring properties

21. The western flank wall of Plot 10 would be within 1 metre of the appeal site's boundary which is, in turn, about 12 metres away from the eastern elevation of 2 Chilbolton Avenue. There are windows to habitable rooms in this elevation. There is little in the way of existing screening along this part of the

boundary between the properties and there is limited scope for planting to take place between plot 10 and the appeal site's boundary in order to soften the effect of the proposed houses. Given the three storey height of the flank wall at plot 10, and its width, I therefore consider that it would be seen to be dominating and overbearing when seen from the windows of the neighbouring property.

22. A ground floor kitchen window at plot 10 would have potential to overlook windows at the neighbouring property but this could be dealt with by a suitable boundary treatment. Other windows in the western elevation of plot 10 would be fitted with obscure glass, which would not result in overlooking. These windows, which would be few in number, would be sufficiently far away from the windows in the neighbouring property so that the perception of overlooking should not arise.

23. A number of windows to habitable rooms at first and second floor level in the western elevation of the block of flats would have potential to overlook 4 Chilbolton Avenue and its rear garden. The windows would be about 14 metres away from the appeal site's boundary with the neighbouring property. Although there are existing mature trees on the boundary between the two properties, certain windows at the neighbouring property, and its garden, would be seen from some windows in the proposed block of flats. Although No 4 is already overlooked to some extent by existing windows at West Hayes Lodge, I consider that the increase in the number of windows from which overlooking could take place, after taking account those which the appellant has agreed to block, would result in a material loss of perceived privacy to the occupiers of No 4.

24. The proposal's relationship with Nos 1-5 Sarum Road is such that it would not impact upon the living conditions of the occupiers of those properties. However, having regard to my previous findings, I conclude that the proposal would result in harm to the living conditions of the occupiers of neighbouring properties in terms of outlook and privacy, contrary to Policy DP.3 of the Local Plan.

Effect of the proposal on bats

25. The results of the bat survey carried out on 22 April 2009 set out details of a mitigation strategy which could be carried out having regard to the present findings of that survey. However, it was also stated that because West Hayes Lodge has the potential to be occupied by a maternity roost, a further evening bat survey would be required at the site during the mid-summer in order to determine the full extent of likely impacts on bats and ensure the final mitigation strategy is appropriate.

26. I have given consideration to the imposition of planning conditions requiring a re-survey, and detailed mitigation measures to be submitted to and approved by the Council. However, the results of the further survey (with the full extent of likely impacts on bats) and any suggested detailed mitigation measures arising from it are not before me. I therefore consider it appropriate to adopt the precautionary approach, notwithstanding the need to obtain a licence from Natural England. In this context, I am mindful of advice given in paragraph 99 of Circular 6/2005. I conclude, therefore, that I am not satisfied that the

proposal would not have a significant adverse impact on bats which are a protected species.

Other matters

27. In arriving at my decision, I have given careful consideration to planning permission Ref 07/01061/FUL for development at Orchard House. I note that the block of flats at Orchard House will, with the exception of the entrance to the undercroft parking area, be two and a half storeys. It will face towards the road and be set back within its plot. The area in front of it will have limited hard surfacing, but there will be a substantial amount of landscaping. I therefore consider that the development at Orchard House will not result in significant change to the character and appearance of the area. As such it can be distinguished from the appeal proposal and I give little weight to it.

28. I am aware that the proposal would involve the efficient use of land in a sustainable location to accord with guidance in Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing. However, this does not outweigh the cogent harm to planning objectives that I have found.

29. Another issue raised by a third party is the effect of the proposal on highway safety. However, after carrying out my site visit and viewing the local highway network, I am satisfied that additional vehicle movements arising from the proposal would not have a significant impact on highway safety in the vicinity of the appeal site.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

James Ellis

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr P McCann BSc DiPTP MRTPI Group Planning Director, Banner Homes,
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Mr S Forrester Appellant, Banner Homes, Penarth House,
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FOR THE LOCAL PLANNING AUTHORITY:

Mr J Jenkison MRTPI Principal Planning Officer, Winchester City
Council, City Offices, Colebrook Street,
Winchester, Hampshire SO23 9LJ

INTERESTED PERSONS:

Mr C Mills 2 Chilbolton Avenue, Winchester, Hampshire
SO22 5HD

DOCUMENTS

- 1 Council's letter dated 3 March 2009, giving notice of date, time and venue for hearing
 - 2 Extract from the Winchester District Local Plan Review – Policy W.1
 - 3 Extracts from Chilbolton Avenue Local Area Design Statement
 - 4 Results of bat survey carried out on 22 April 2009
- PLANS**
- A Drawing No PL-01 Rev C – coloured version
 - B Drawing No 0815 – L701 – coloured version
- PHOTOGRAPHS**
- 1 Series of photographs produced by the appellant showing the appeal site and the surrounding area