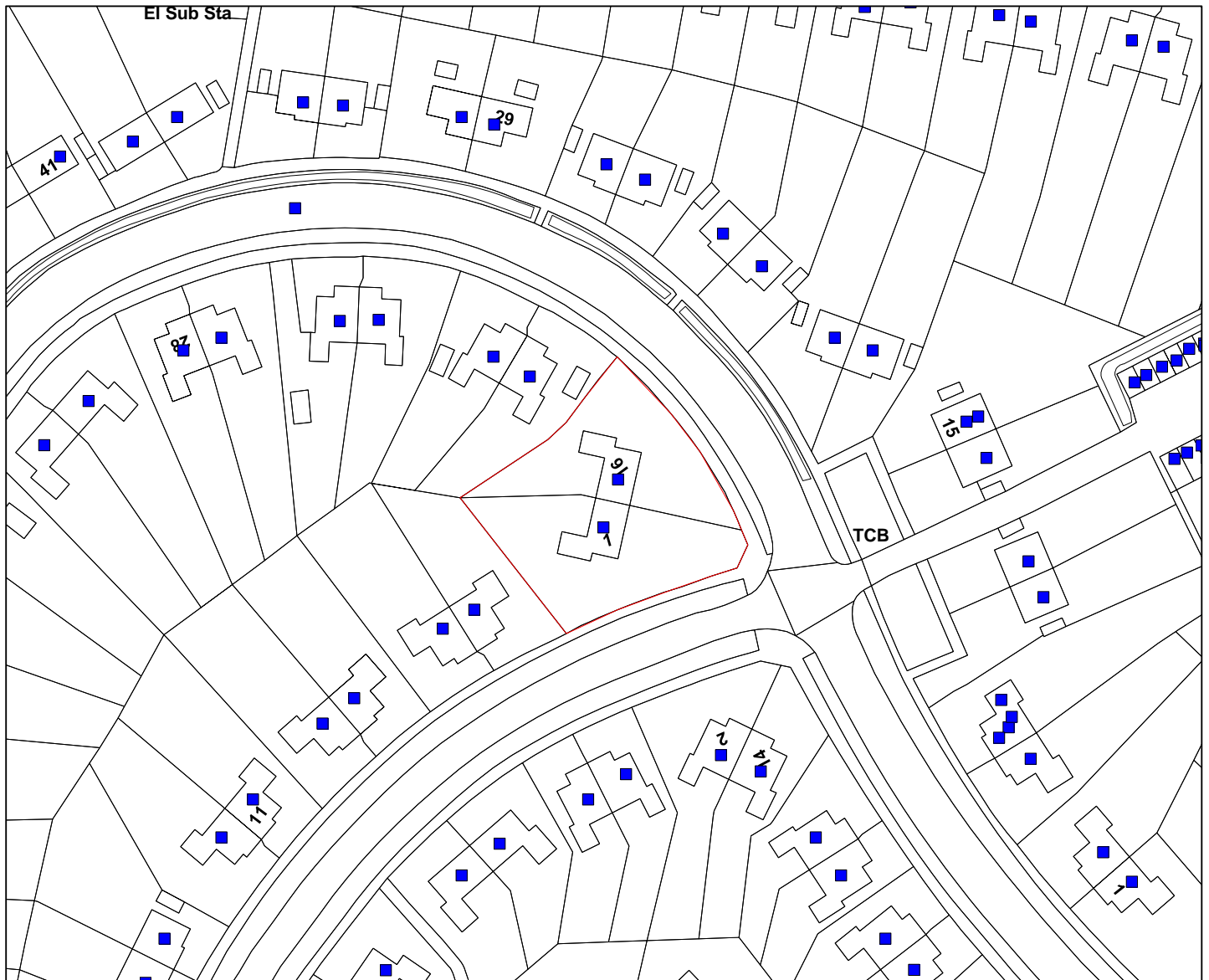


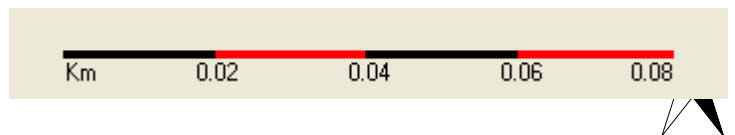
16 Fox Lane, Winchester

09/02556/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	07 April 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: **Item 1**
Case No: **09/02556/FUL / W21058/02**
Proposal Description: Demolition of No.16 Fox Lane & No.1 Chatham Road and erection of 2 no. two bedroom houses, 2 no. two bedroom flats and 2 no. one bedroom flats in a two storey building
Address: 16 Fox Lane Winchester Hampshire SO22 4DY
Parish, or Ward if within Winchester City: St Luke
Applicants Name: Mr K Read
Case Officer: Mr Nick Fisher
Date Valid: 16 December 2009

Recommendation: Application Permitted

General Comments

This application is reported to the Committee at the request of Councillor Thompson, whose request is appended to this report.

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

This application is submitted after a similar application was refused by the Committee on 11th December 2008. The following reasons for refusal were given by the Committee:-

- 1. The proposed development does not respect the form, architectural style and density of the surrounding area. It does not respond positively to the character and appearance of the local environment and is contrary to Policy DP3 (ii) of the Winchester District Local Plan Review 2006.*
- 2. The proposal is contrary to Policy RT4 of the Winchester District Local Plan Review 2006 in that it fails to make adequate provision for public recreational open space to the required standard and would therefore be detrimental to the character of the area.*
- 3. The proposal is contrary to Policy DP9 of the Winchester District Local Plan Review 2006 in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and the burden imposed on the existing network arising from the development.*

The applicant then appealed against the Council's decision and the appeal was dismissed in September 2009. The appeal was dismissed on the grounds that the roofs serving the gable end features were too shallow and related poorly to the character of the area.

This application attempts to address the reasons for refusal given by the appeal Inspector. It is therefore the case that the Inspector's comments and conclusions are an important material planning consideration.

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In comparison to the refused scheme, the revised proposal shows the following amendments:-

- Revised roof pitch details for the gable features;
- The use of clay plain tiles, instead of slate as previously proposed;
- The applicant has provided a bat survey which shows that there is no evidence of bat use and the buildings provide low bat potential.

It is considered that this application overcomes the grounds for dismissing the earlier scheme. The Inspector's decision is attached to this report.

Site Description

The site is located in a corner position, adjacent to the junction of Fox Lane and Chatham Road. The site is rectangular in shape, with a site area of 1067sq.m. There is a noticeable north to south slope through the site.

The site contains a pair of redbrick, two storey, semi-detached, family sized houses. This style of dwelling is common within the area. There are mature trees and hedging along the site's boundaries.

This part of Stanmore was constructed between 1945 and the latter part of the 1950's. The area is primarily characterised by two storey, semi-detached dwellings. The area has a strong suburban structure that incorporates generous distances between buildings, respect for the topography, and uniformity with regard to building materials

Proposal

It is proposed to demolish the two existing semi-detached dwellings on the site and erect 2no two bedroom dwellings, 2no two bedroom flats, and 2no one bedroom flats. These will be accommodated within one, two storey building with three elements, incorporating a distinctive corner feature. The building is located centrally within the site and addresses the corner of Chatham Road and Fox Lane. It is proposed that the building is constructed from a soft red stock brick, a clay roof tile, oak cladding and bespoke dark grey powder coated aluminium windows, dark grey aluminium doors and timber doors.

The scheme incorporates both private and communal garden areas. It is proposed that the majority of the existing vegetation on the site is retained.

The development re-uses the two existing accesses at the site and it is proposed to park cars in two separate areas. Six car parking spaces are proposed to serve the dwelling.

The density of development is approximately 57 dph.

In comparison to the earlier refused scheme, this application proposes noticeably steeper roof pitches, to replicate the steeper roof pitches in the area, and the use of clay roof tiles rather than a slate roof. This is also because clay tiles are evident in the area.

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Relevant Planning History

08/00590/FUL: Demolition of No.16 Fox Lane & No.1 Chatham Road; erection of 2no. 2 bedroom houses, 2no. 2 bedroom flats and 2no. 1 bedroom flats in two storey building - Withdrawn - 23/05/2008.

08/01998/FUL: Demolition of No.16 Fox Lane & No.1 Chatham Road. Erection of 2no. 2 bedroom houses, 2no. 2 bedroom flats and 2no. 1 bedroom flats in two storey building (Resubmission) - Refused by the Committee - 18/12/2008 - Appeal Dismissed - 07/09/2009.

Consultations

Engineers: Drainage:
No objection.

Engineers: Highways:
No objection, subject to conditions (Conditions 3, 4 & 5).

Environmental Protection Team:
No objection, subject to a condition regarding unexpected contamination (Condition 6).

Landscape Team -Trees:
No objection, subject to a condition (Condition 8).

Landscape Team - Landscape:
The Landscape Officer supports the proposals. Her comments are as follows:- "The scheme appears to be similar to the previous one and therefore Stuart Dunbar-Dempsey's comment, in his consultation response dated 15/09/2008, still stand:

"The proposed development will enhance this rather monotonous part of Winchester and give it some visual diversity. No significant trees are to be lost and the most important natural features are being retained."

The Inspector made the following comments in his appeal decision report, dated 07/09/2009:

"9.....To my mind, the proposed footprint, associated amenity space and the residential density it represents would be sympathetic to its context and appropriate to this location.

10. The replacement building would respond to the topographical changes across the appeal site and there would be discrete and dispersed vehicle parking, cycle and bin stores. These features and the retention and reinforcement of the mature frontage planting that could be the subject of a condition, would to a certain extent reduce the visual impact of the proposal within the townscape".

Therefore, there are no landscape objections “.

Urban Design:
The Officer raises no objection to the scheme and considers that the Inspector's concerns and reasons for refusal have been overcome.

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Hampshire County Council - Ecology:

No objection. The site has poor potential for bats and bats are not evident at the site. The trees and shrubs attached to the building may provide a habitat for nesting birds (see Conditions 14 & 15).

Environment Agency:

No objection (consultation response from the previous application).

Southern Water:

No objection, subject to conditions regarding surface water disposal and public sewer protection (Conditions 9 & 10).

Representations

City of Winchester Trust:

No comment

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

- Aspect and Design: The change in level (falling gradient) across the site does not consider the aspect and this development is significantly detrimental to the amenity of Nos.17 to 29 Fox Lane. It would also affect the surrounding neighbouring homes whose gardens are adjacent to the proposed area of development;
- The current density per hectare is 18dph. The planned increase is to 54/57 dph....three times as much. Three times as many dwellings, which equals three times as many bedrooms, which is an unacceptable increase;
- Six car parking spaces have been allocated, one per dwelling. Since more than one car per family/ occupants is a current norm, this would be insufficient and give great rise to on-street parking on a corner junction, which is currently at an all time high already. There is an ongoing, long term parking issue in this local area;
- The inclusion of lighting to footpaths and communal areas is an unwelcome intrusion and will contribute to light pollution;
- The development is completely out of character with the surrounding area;
- We strongly disagree with the claims that the proposed development is in keeping with the context of the surrounding buildings. Massing and proportion far exceed that of the existing and surrounding properties and are out of all proportion on this prominent and visible site, in view of all directions surrounding it, north, south, east and west;
- The introduction of small units to the area is harmful and will not significantly address the policy aims of the Winchester District Local Plan Review;
- The area possesses a unique and homogenous outstanding character (the area won an award), one of the Councillors commented that it had a "*village like atmosphere, worthy of preservation.*";
- More dwellings within the areas will increase existing problems caused by increased traffic, noise and students;
- The proposal will give rise to overlooking of nearby gardens;
- The building will be visually overbearing. The design is inappropriate and out of keeping with neighbouring buildings;
- Parking will cause noise, pollution and dust at all times of the day and night;
- The development will cause traffic problems and create a safety hazard for

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- pedestrians and motorists;
- There are slow worms and bats occupying land around the development site; the development is likely to harm these animals and their environment;
 - It is likely that the new dwellings would be let out, potentially to students rather than families, this would exacerbate existing problems within the area;
 - The proposed materials will be out of character with the area;
 - Family homes will be replaced by smaller units;
 - The increased number of dwellings at the site will require many more dustbins and recycling bins, these may be left out on the street.

A petition has been received with one of the letters of objection; the petition contains six signatures, including the author of a letter of objection.

Relevant Planning Policy

South East Plan 2009:
CC6

Winchester District Local Plan Review:
DP1, DP3, DP4, DP9, H7, RT4, T1, T2, T3, T4

National Planning Policy Guidance/Statements:
PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 13 Transport

Planning Considerations

Principle of development

Given that the site is located within the urban area of Winchester, it is considered that the principle of development is acceptable. The proposal accords with adopted planning policies. This proposal has overcome the reasons for refusal given by the Inspector in the recent appeal decision (attached). It is considered that there are not robust or justifiable reasons to refuse planning permission, in the light of the Inspector's conclusions.

The Inspector considered all aspects of the proposed development and concluded that matters such as design, form, layout, amenity issues, parking provision and density (approx 57 dph) are all acceptable. His reasons for dismissing the appeal are set out in paragraphs 14, 15 and 16 of his report. He stated :-

“The appeal site does not lie within a conservation area. Nonetheless, the themes within the existing building designs, and the resulting frequency of the double front gables within the townscape, provide a clear context for the proposed development. National policy within Planning Policy Statement 3 – Housing (PPS3) seeks new dwellings to be well integrated with and complementary to neighbouring buildings” (para14)

“the proportions of the double front and rear gable features would have a more relaxed roof pitch than those of the semi-detached blocks around them. In addition, they would be separated by a flat roofed section. Although these flat roofed divisions would provide

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balance within the architecture proposed, the pitch of the associated gables would fail to reflect a particularly strong characteristic within the street-scene. This noticeable departure from the built forms around it would be emphasised by the proposed use of slate roofing.” (para 15)

“To my mind, these factors would prevent the proposal successfully integrating with its context, and a condition in respect of the proposed roofing materials would not be enough to address the departure that would occur. Although the proposed residential density would be appropriate for this area, I find that, on balance, the development would be unacceptably harmful to the character and appearance of the locality and conflicts with Policy DP3 (ii) of the Winchester District Local Plan Review.” (para 16)

The revised application shows a significantly steeper roof pitch serving the gable features. The steeper pitch is more in common with the surrounding gable features that the Inspector recognised as a characteristic of the area. The steeper roof pitches are acceptable and give rise to a more sympathetic form of development when compared to the refused application.

The short, flat roof sections between the gable features, which the Inspector identified as giving a balance to the architecture, have remained. Due to the increase in the pitch of the gable features, they appear to be recessive and secondary to the gable features.

The applicant is no longer intending to use a slate roof and is proposing to use clay tiles to replicate the surrounding roof coverings. A sample of the tiles will be required by a condition, to ensure that they relate well to the area (Condition 2).

The applicant has made financial contributions towards Public Open Space provision and the Hampshire County Council Highways Improvement Scheme, as required by Policies RT4 and DP9.

Design/layout

The proposed layout is considered to respond well to the site’s constraints and the structure of the surrounding area. The building is located centrally within the site, affording sufficient communal amenity space and distance to the boundaries; this ensures that the boundary vegetation can be retained and the building will not appear to be cramped or unduly prominent.

The contemporary nature of the scheme, arranged around a central oak clad element, and the use of good quality materials (red brick and clay tiles to match materials used in the area, oak cladding for the corner element and bespoke doors and windows), is considered to represent a high quality and distinctive form of development. Elements such as the revised double gable ends, with steeper pitched and flat roofed outbuildings, reflect the form and design of the neighbouring dwellings.

The two storey nature of the development, and the use of interlinked elements that step down the site, ensure that the building sits comfortably within its surroundings and respects the site’s topography. The dispersed location of car parking provision to two locations is also considered to be beneficial because it avoids large, single, prominent areas of hard-standing. Furthermore, the location of the car parking ensures that parked vehicles will not dominate the street-scene.

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The Inspector examined the design and layout of the proposed development and considered that the replacement structure would be substantially larger than the existing building and would intensify the residential use. However, he considered that the development has greater diversity in its built form and the core of the structure would reflect the existing footprint of the semi detached block. (para 7 of the appeal decision) He added that the structure fully utilises the corner plot to provide a higher density of development, and incorporated a strong corner feature (para 8 of the appeal decision).

The Inspector is clear in his report that he supports the design and form of the development: *“To my mind, the proposed footprint, associated amenity space and residential density it represents would be sympathetic to its context and appropriate in this location”*. (para 9)

The Inspector also considered the issue of the merits of a contemporary scheme against a pastiche (i.e. a close replication of the existing buildings). He considered that the use of facing brick to match surrounding properties would provide an effective link between these houses and the proposed contemporary structure that would include less typical materials within its elevations.

The Inspector concluded that the proposed pitched roofs serving the gable features were too shallow and therefore out of the character with the area and harmful. It is considered that the steeper roof pitches and use of clay roof tiles has overcome his reasons for dismissing the appeal.

Impact on character of area and neighbouring property

The proposed development will not have a detrimental impact upon the character of the area, which is primarily characterised by two storey semi-detached dwellings which are set back from the highway by verges and small front gardens. It is also noticeable that there are sizeable gaps between the buildings and variations in building heights and that floor levels and gardens respect the existing topography. It is considered that the proposal affords generous space to the site's boundaries and incorporates adequate distance to the highway. Furthermore, the built form and garden areas respond well to the slope through the site.

Residential amenity.

Due to the retention of the existing vegetation on the rear boundaries with No. 18 Fox Lane to the north and No. 3 Chatham Road to the west and the distance between the rear elevations and boundaries (approx. 13m. and approx. 18m., respectively), it is considered that the scheme will not give rise to unacceptable levels of overlooking of neighbouring garden areas. In addition, the proposal will not result in material harm in terms of loss of light or overshadowing upon neighbouring dwellings.

The amount of communal amenity space to serve the two 2 bedroomed flats and two 1 bedroom flats is considered to be acceptable. The retention of the existing vegetation upon the boundary will provide sufficient screening to ensure that the communal area is not significantly overlooked from the highway. A second communal area is proposed to the rear of the building.

The development affords two private garden areas to serve the two 2 storey flats. Whilst

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the garden areas are small, they are considered to be large enough to meet the future needs of the occupants.

Landscape/Trees

The retention of the existing trees and hedgerow within the site is considered to be a positive element of the proposal which will ensure that the proposed built form is softened within the street-scene. The appeal Inspector commented that the retention and reinforcement of the boundary vegetation would, to a certain extent, reduce the visual impact of the proposal.

The Arboricultural Impact Appraisal and Method Statement, submitted as part of the application, has demonstrated that the proposed development should not harm the trees which are proposed to be retained.

Highways/Parking

The Highways Engineer considers that the scheme is acceptable and does not represent a danger to highway safety. The provision of one parking space per dwelling is acceptable when consideration is given to the small size of the units and the sustainable location of the site, in relation to bus services (services from Stanmore run to both the bus and train station on a 15-20min frequency).

The appeal Inspector concurred with the Highway Engineer's opinion and stated that the site is located in an accessible location (para 20 of the appeal decision).

Wildlife

The Inspector considered the potential for harm to bats which may occupy the site. At the time of the appeal hearing, the applicant had not provided a survey to demonstrate that bats would not be harmed. The Inspector concluded that it had not been demonstrated that bats would not be detrimentally affected (paras 17, 18, 19 of the appeal report)

The applicant has submitted a bat survey and this information has been reviewed by Hampshire County Council's Ecologist. They have concluded that the site / buildings have poor bat potential and there is no evidence of bat use. A precautionary condition has been recommended (Condition 14).

Conclusion

The revised scheme has increased the pitch of the front gables so that they are more closely aligned to the pitch of neighbouring buildings and the roof covering is now clay tiles rather than slate. These revisions to the scheme have clearly overcome the Inspector's reasons for dismissing the appeal and the proposal is considered to be acceptable.

Recommendation

Application Permitted, subject to the following conditions:

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Conditions

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

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

2. 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. 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.

4. 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.

5. The parking areas shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings as residences.

Reason: To ensure the permanent availability of parking for the properties.

6. 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 by the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings, along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

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

7. Prior to the first occupation of the dwellings, a broad leaf tree shall be planted in the communal garden area adjacent to Fox Lane and Chatham Road, unless otherwise agreed in writing by the Local Planning Authority. The size and location of the tree shall be agreed in writing by the Local Planning Authority prior to the commencement of development. If, within a period of 10 years from the date of the planting of the tree, or any tree planted in replacement of it, that tree is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree of the same species and size as that originally planted 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: In the interests of the visual amenity of the area

8. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement written by Enviro Plant, and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with the above report. Telephone 01962 848 403.

The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre-commencement site visit can be carried out. Telephone 01962 848 403.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the above Method Statement.

Any deviation from works prescribed or methods agreed in accordance with the above Method Statement, shall be agreed in writing by the Local Planning Authority and thereafter carried out in accordance with the approved details.

No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority's Arboricultural Officer prior to the commencement of development work.

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

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9. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority, in consultation with Southern Water. Development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development

10. No development, or new tree planting, should be located within 3 metres either side of the centre line of the public sewer and all existing infrastructure should be protected during the course of construction works.

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of development. No development shall take place until these details are approved.

Reason: To ensure a satisfactory form of development.

11. 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 Part 1 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

No fence panelling or enclosure (including walls and gates) above 1 metre in height shall be erected within the communal garden area, or upon the boundary of a communal garden area and a private garden area, or upon the site's boundaries, without the prior written approval of the Local Planning Authority.

Reason: To ensure that outbuildings and enclosures are not erected without Local Planning Authority consent and to ensure that these features do not become excessively prominent within the street-scene, and in the interests of visual amenity.

12. In this condition, "retained tree" means an existing tree / bush / hedge which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building 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.

Reason: To ensure the protection of trees which are to be retained and in the interests of visual amenity.

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13. The hardstanding areas (parking and turning areas and pathways) shall use permeable paving. The details of the paving to be used shall be supplied to the Council prior to the commencement of development. No development shall take place until the Local Planning Authority issues written approval. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of sustainable development and to ensure that standing water can drain naturally.

14. Should works not have commenced by November 2011, prior to commencement a visual check of the buildings will be carried out (by a qualified ecologist) to assess whether there is any material change in the buildings or use of the buildings by bats. The results of this inspection (along with the results of any further surveys and mitigation measures, should they be required), shall be submitted to and approved by the Local Planning Authority. If any mitigation is required, development shall be undertaken in accordance with the approved details.

Reason: To protect any bats / roosts which may occupy the site.

15. The vegetation attached to the buildings shall not be removed from the building, or the buildings demolished, between the months of March to August unless a qualified ecologist inspects the vegetation prior to demolition / removal of the vegetation. Within these months, demolition / vegetation removal shall not take place until the inspection details have been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: In the interests of bird protection.

16. Details showing existing and proposed finished levels (slab level and sections) or contours shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall take place in accordance with the approved details, unless otherwise agreed in writing.

Reason: To ensure a satisfactory form of development.

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.

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

South East Plan:
CC6.

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Winchester District Local Plan Review 2006:
DP1, DP3, DP4, DP9, H3, H7, RT4, T1, T2, T3, T4

3. All work relating to the development, hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays. Where allegations of noise nuisance from the works are substantiated by the Local Authority, a Notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.

4. No materials shall, at any time, be burnt on site. The applicant / developer are reminded that the Environmental Pollution Act 1990 and The Clean Air Act 1993 are both pertinent.

5. 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, please contact Atkins Ltd on 01962 858 688.



Appeal Decision

Hearing held on 1 July 2009

Site visit made on 1 July 2009

by **Clive Sproule** BSc(Hons) MSc MEnvSc
MRTPI CEnv

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

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

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

Decision date:
7 September 2009

Appeal Ref: APP/L1765/A/09/2100103

16 Fox Lane, Winchester, Hampshire SO22 4DY

- 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 Keith Read against the decision of Winchester City Council.
- The application Ref 08/01998/FUL, dated 21 August 2008, was refused by notice dated 18 December 2008.
- The development proposed is the demolition of 16 Fox Lane and 1 Chatham Road and the erection of 2no. two bedroom houses, 2no. two bedroom flats and 2no. one bedroom flats in a two storey building.

Decision

1. I dismiss the appeal.

Procedural matter

2. It was confirmed at the Hearing that the Council had received a financial contribution in respect of the provision of public recreational open space and improvements to the transport and highway network. Consequently, the second and third reasons for refusal were withdrawn.

Main issue

3. This is the effect of the proposed development on the character and appearance of the locality.

Reasons

4. Fox Lane and the streets around it typically have suburban two storey dwellings with common themes in their designs, including a considerable number of pitched roof semi-detached blocks that have distinctive double gables to the front and rear. Evidence before me indicates that these dwellings were for the most part built around 50 years ago. This is reflected in the materials used in their construction and the mature gardens and landscaping that are present around the houses.
 5. The characteristic form of the buildings is evident in views along Fox Lane and elsewhere within the locality. The topography in this area ensures that the pronounced layering of the roofs within these aspects highlights the colour palette of the existing materials and these factors are emphasised by the pitch of the front gables.
 6. The appeal site is currently occupied by a large two storey semi-detached block of a strongly linear form. It is one of the house designs that occur within this area and does not include the front and rear gable features found on other houses next to it. Topographic levels fall across the appeal site from Fox Lane toward the
-

- houses in Chatham Road. This draws attention to the scale of the existing building in views from southerly positions.
7. The proposed replacement structure would have significantly greater diversity in its built form. Although the core of the structure would reflect the existing footprint of the semi-detached block, it would be a substantially larger building that would intensify the residential use of the appeal site.
 8. The proposed higher density of dwellings would be achieved by a structure that more fully utilises the available land within the corner plot and creates a stronger corner feature. Reference has been made to the housing densities in various parts of the locality. Although numerical data can communicate a change in relative housing densities, it does not necessarily indicate that an intensified residential use would depart from the character and appearance of the area.
 9. The proposed development would be a more efficient use of the land and the revised drawings that are before me indicate significant areas of both private and communal amenity space around the proposed building. The appellant submitted to the Hearing a plan describing the footprint of the proposal and its relationship with the development around it. It also demonstrates that in this area the size of residential amenity space varies significantly. To my mind the proposed footprint, associated amenity space and the residential density it represents would be sympathetic to its context and appropriate in this location.
 10. The replacement building would respond to the topographical changes across the appeal site and there would be discrete and dispersed vehicle parking, cycle and bin stores. These features and the retention and reinforcement of the mature frontage planting that could be the subject of a condition, would to a certain extent reduce the visual impact of the proposal within the townscape.
 11. The submission of the appeal scheme followed consultation with the local planning authority. It includes a distinctive pyramidal roofed corner feature. Whilst hipped roof buildings are less prevalent within the street scene, they are present in the vicinity of the appeal site and would provide a context for this feature, as local chimneys would do for the capping structure.
 12. House extensions and a number of other developments have resulted in a degree of variety within the street scene. Those within the vicinity of the appeal site for the most part reinforce the existing character of the area. The appellant highlighted reasons why a pastiche design would not be an appropriate response for the appeal site and that the choice of materials responded to the contemporary design and the views of Council officers.
 13. Examples have been given of the use of alternative materials and architectural designs within the locality. In this instance the appeal scheme would occupy a very prominent corner location with a high degree of regularity in the surrounding house designs. The use of facing brick to match surrounding properties would provide an effective link between these houses and the proposed contemporary structure that would include less typical materials within its elevations.
 14. The appeal site does not lie within a conservation area. Nonetheless, the themes within the existing building designs and the resulting frequency of the double front gables within the townscape provide a clear context for the proposed development. National policy within Planning Policy Statement 3 – *Housing* (PPS3) seeks new dwellings to be well integrated with and complementary to neighbouring buildings.

15. Whilst considerable work has gone into finding an appropriate design solution for this site, the proportions of the proposed double front and rear gable features would have a more relaxed roof pitch than those of the semi-detached blocks around them. In addition, they would be separated by a flat roofed section. Although these flat roofed divisions would provide balance within the architecture proposed, the pitch of the associated gables would fail to reflect a particularly strong characteristic within the street scene. This noticeable departure from the built forms around it would be emphasised by the proposed use of slate roofing.
16. To my mind these factors would prevent the proposal successfully integrating with its context and a condition in respect of the proposed roofing materials would not be enough to address the departure that would occur. Although the proposed residential density would be appropriate for this area, I find that on balance the development would be unacceptably harmful to the character and appearance of the locality and conflicts with Policy DP.3 (ii) of the Winchester District Local Plan Review 2006.

Other matters

17. Concerns have been raised regarding the possible effect of the proposed development on bats, which are a protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation Regulations 1994. It is illegal to kill, injure or capture a bat or to recklessly disturb their roosts. The Council and appellant have stated their view that there is a lack of evidence to indicate that the appeal site is important to protected species. Nonetheless, representations indicate that bats have been observed in the immediate area around the appeal site.
18. Both the existing structures and vegetation on the appeal site could provide bat roosts and consequently there is a reasonable likelihood of the protected species being present. It is a Key Principle of national policy within Planning Policy Statement 9 – *Biodiversity and Geological Conservation* that planning decisions should aim to prevent harm to biodiversity. Circular 06/05 – *Biodiversity And Geological Conservation – Statutory Obligations And Their Impact Within The Planning System* is also clear that whether or not a protected species would be likely to be affected by a development should be established before planning permission is granted.
19. Although this matter was raised late in the application process, there was sufficient time for a survey to be carried out to confirm the presence or otherwise of bat related activity on the appeal site. Evidence before me does not include such a survey report and therefore it has not been demonstrated that development could proceed without harming the protected species observed.
20. I note the Highway officer did not object to the proposal, which would be accessible by public transport. I also note the aspects of development plan policy compliance highlighted within the officer report and referred to by the appellant. However, these matters do not outweigh the harm identified.
21. For the reasons above and having considered all other matters raised, I conclude the appeal should be dismissed.

C Sproule

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

S Andrews	Agent
BA(Hons), PG DipTP	
J Tyrrell	T2 architects
BA(Hons), Dip ARCH, MA,	
RIBA. ARB	

FOR THE LOCAL PLANNING AUTHORITY:

L Hutchings	Winchester City Council
BA(Hons), Dip TP, MRTPI	

INTERESTED PERSONS:

Cllr. A Fall	City Councillor
Cllr. L Thompson	City Councillor
J D Glasgow	Local resident

DOCUMENTS

- 1 Public Open Space and Highways Contributions Calculations – From the Council
- 2 The South East Plan – Regional Spatial Strategy Policies CC4, CC6, CC7, H5, T3, T4, T5 and BE1 – From the Council
- 3 E-mails between the appellant's architect and Council dated 09 May 2008, 12 June 2008, 16 June 2008, 04 July 2008 – From the appellant
- 4 Examples of other nearby developments – From the appellant

Sue Langford

From: Julie Pinnock
Sent: 04 February 2010 13:27
To: Cllr Lucille Thompson
Cc: Nick Fisher
Subject: RE: 09/025556/FUL 16 Fox Lane/1Chatham Road

Dear Cllr Thompson

Nick Fisher is the case officer, and also dealt with the previous scheme, so he will be aware of the planning history. We will have to assess the revised proposals having regard to the Appeal Inspectors comments to see if they have adequately addressed the concerns he raised in dismissing the appeal.

I've copied Nick into this email so that he is aware of your request to take this application to the Committee if we are minded to recommend approval. I will ask him to keep you informed on the progress of this application.

The target date for decision is the 8 week date by which we should make a decision, however due to resource issues within the department, applications have been delayed in the registration process. For us this means we will not make our target decision date, but this will not affect the time for the public or consultees to make representations.

I hope this responds to your enquiry.

Regards

Julie

Julie Pinnock BA (Hons) MTP MRTPI
Development Control Team Manager (East)
Winchester City Council
Tel: 01962 848439
jpinnock@winchester.gov.uk

-----Original Message-----

From: Cllr Lucille Thompson
Sent: 04 February 2010 12:28
To: Julie Pinnock
Subject: 09/025556/FUL 16 Fox Lane/1Chatham Road

Dear Julie

It is not clear from the website which officer is dealing with the above application so I am writing to you instead.

I am sure you will be aware that the previous application to demolish these two houses and build 6 dwellings in their place was firstly rejected by the Planning Committee by 9 votes to 1. It then went to appeal and this was also dismissed with the Inspector stating that "on balance the development would be unacceptably harmful to the character and appearance of the locality and conflicts with Policy DP.3(ii) of the "...Local Plan".

12/04/2010

I was therefore surprised that a further application was submitted which shows very little change to the previous proposals and I would be interested to hear your views on this.

If officers are minded to approve this application I would like it to come before the Committee.

Could you also clarify the website which states that the consultation period ends on 18th February but gives a target decision date of 10th February. This is a bit confusing to say the least.

I look forward to hearing from you.

Lucille Thompson
Cllr for St Luke Ward

Winchester City Council

Representation Submitted to 'Planning Applications Online' Web Form

Planning Reference: 09/02556/FUL

Representation Type: Objection

Name: Lucille Thompson, City Councillor for St Luke Ward

Address: 85 Christchurch Road, Winchester, SO23 9QY

Details:

I am objecting to this application because I do not think it differs substantially from a previous application (08/01998/FUL) which was refused by the Planning Committee by 9 votes to 1 and subsequently refused on appeal by the Planning Inspectorate in September 2009.

1. The application is out of character for the area. This part of Stanmore is characterised by the large amount of open space and views. Houses have been constructed on large plots and are generally semi-detached.
2. It is an over-development of the site. The proposed building increases the density to 54 dph. The current density is 18.
3. The design is inappropriate. The proposal does not respect the form, architectural style and density of the surrounding area. Nor does it respond positively to the character and appearance of the local environment.

I hope you will take these views into account when making your decision.