

# Chalgrave, Otterbourne Rd, Shawford

10/01317/FUL

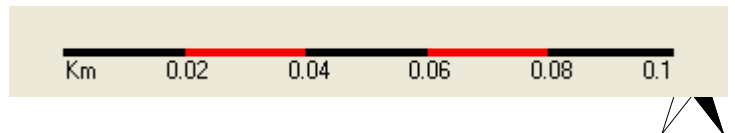


**Winchester**  
City Council



**Legend**

Scale:



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Planning department
<b>Comments</b>	
<b>Date</b>	01 September 2010
<b>SLA Number</b>	00180301

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DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 4  
**Case No:** 10/01317/FUL / W18003/03  
**Proposal Description:** New detached house and garage in the garden of Chalgrave  
**Address:** Chalgrave Otterbourne Road Shawford Winchester Hampshire  
**Parish, or Ward if within Winchester City:** Compton And Shawford  
**Applicants Name:** Mr Nick Baker  
**Case Officer:** Mr Ian Cousins  
**Date Valid:** 30 June 2010  
**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee at the request of Compton and Shawford Parish Council, whose request is appended in full to this report.

This submission follows an application (from a different applicant) for a detached five bedroom dwelling that was refused in July 2007. That proposal was for a two storey dwelling with a floor area of approximately 300sq m. and a height of approximately 8.7 metres with attached double garage and new access onto Otterbourne Road. It was also proposed to remove the trees to the north west boundary, adjacent to Otterbourne Road.

This application now proposes a detached four bedroom dwelling with a floor area of approximately 205sq m, which represents a reduction of approximately a third, a height of approximately 7.6 metres, a reduction of 1.1 metre and a detached single garage with attached cycle and bin store to the front. It is also proposed to share the access currently used solely for Chalgrave enabling the trees to the front boundary to be retained.

### Site Description

The site comprises a detached house located on the eastern side of Otterbourne Road in Southdown. It is set within a large plot of land. The area is characterised by large houses built on large plots many of which have since been infilled by more recent residential development. The dwellings are a mixture of styles and materials. The existing dwelling on site, Chalgrave, is located to the north of the plot with garaging to the front. The access is to the north west corner of the site and opens onto a gravelled area for parking. There is a line of trees running adjacent to the boundary to Otterbourne Road which provide a high level of screening to the site. The remaining site comprises a residential garden, with high hedges on the boundary to neighbouring properties and is typically residential in appearance.

### Proposal

The proposal is for a detached 4 bedroom house to be constructed to the south side of the dwelling at Chalgrave, using the existing access.

### Relevant Planning History

**07/01078/FUL - New 5 bed dwelling; removal of trees and shrubs. REFUSED. 19th July 2007.**

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**Consultations**

Engineers: Drainage:

The applicant proposes to send foul water to the public sewer and storm water to soakaways which is acceptable.

Engineers: Highways:

The proposal is acceptable subject to a condition being imposed securing the retention of available parking (condition 3).

Environmental Protection:

Information held by Environmental Protection suggests that the proposed development is partially situated on land that has been used historically as a landfill. No objection is raised subject to the imposition of safeguarding conditions (conditions 10 to 12). It is also requested that informatives be included regarding hours of work and no burning on site (informatives 3 and 4).

Landscape (arboriculture):

The Arboricultural Implications Assessment (AIA) reflects accurately the quality and category of tree stock. With regard to the proposed tree retention and tree loss, there are no major issues arising from an arboricultural point of view. No major pruning or felling work has been recommended.

The Arboricultural Method Statement (AMS) is considered to provide the retained trees with adequate protection during the development of this site. So long as the method statement is followed correctly, no harm will be done to the retained trees. Accordingly, no objection is raised subject to conditions (conditions 4 to 9).

Archaeology:

The application site lies in close proximity to the Roman road from Winchester to Clausentum (Bitterne) and the medieval road from Winchester to Southampton. The latter survives as a large extant earthwork holloway (infilled along part of its length) which runs along the rear boundary of properties on the east side of Otterbourne Road. The Heritage Statement submitted with the application carefully considers the archaeological issues relating to this site and the possible impacts of the proposal on archaeological remains and its conclusions are agreed with. Accordingly, no objection is raised subject to a condition securing the implementation of a programme of archaeological work in accordance with a written scheme of investigation (condition 13).

HCC Ecology

Bats typically use linear features to commute, although a residential area like this, with its varied mosaic of mature gardens, has limited clear linear features (as would typically be found in the wider countryside, such as hedges, watercourses and woodland edges). The garden land affected by the proposals is however unlikely to be a significant commuting route or foraging area. That said, the mature belt of trees / woodland running along the rear of the properties, parallel to the road is likely to be used to a greater extent by bats and is a potential key commuting route. As far as I understand it, this proposal will not result in the loss of any significant trees or hedges, and the more suitable commuting route and foraging area will be retained. There is excellent bat foraging habitat beyond the houses, around Shawford Down and the river / water meadows to the east and north east and I would therefore not be surprised to learn that bats overfly the

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garden, possibly travelling to this area. However, given the wide availability of similar habitat and the fact that such habitat does not generally receive legal protection, I do not feel in this instance that this can be used as a valid reason for refusal.

**Representations:**

Compton and Shawford Parish Council objects to this application. The previous application was refused on the grounds of loss of trees, cramped and unacceptable form of development and loss of amenity. The tree issue has clearly been resolved but whilst there is a reduction in the size of the proposal it still represents a very significant building on one of the smallest plots on the road. It is difficult to see how the proposal will no longer result in a loss of amenity to the neighbouring property and the parish council therefore objects again to the new proposal.

4 letters received objecting to the application for the following reasons:

- Out of character
- The proposal extends substantially beyond the existing building line
- Overlooking and overshadowing
- Impact on highway safety
- Detrimental effect on the amenities to Compton Lodge
- The proposal is garden grabbing
- Affect the flight line of Bats

0 letters of support received.

**Relevant Planning Policy:**

South East Plan 2009:

The South East Plan was formally revoked on 6<sup>th</sup> July 2010 and therefore no longer forms part of the Development Plan of the District. As a result, its policies are not material to the consideration of planning applications.

Winchester District Local Plan Review

DP1, DP3, DP5, DP9, RT4, H3, T2, HE1

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS3 Housing

PPS 5 The Historic Environment

**Planning Considerations**

Principle of development

The site lies within the settlement boundary of Southdown. Policy H3 of the Winchester District Local Plan review 2006 allows for new residential development in such areas. The recent amendments to PPS3 relate to the removal of garden land from the definition of "previously-developed land". Whilst the proposal does involve the development of existing garden land, the principle of developing the land for residential purposes is established through it being located within the defined settlement boundary of this settlement. It is considered that refusing this proposal solely because it involves the development of part of a garden would not be justified.

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Density

The density of development on this site at present is approximately 7 dwellings per hectare. The development would result in the density of the existing site increasing to approximately 12 dwellings per hectare, while the new development itself would amount to a density of approximately 16 dwellings per hectare. Therefore, despite the subdivision of the plot, the proposal will ensure that the low density character of the area is maintained.

Impact on character of area and neighbouring properties

The proposal is to erect a four bedroom dwelling to be located to the south of the existing house. Given the context, which is of large houses in spacious plots, it is considered that the site could not accommodate more than one dwelling without a significant impact on the character of the area.

The proposed dwelling is to be set further back in the building plot than the dwelling proposed by the previous application and is approximately a third smaller. It is considered that these changes are successful in addressing the refusal reasons, creating more space between the buildings and to the front of the new dwelling. There are also examples along this road of buildings in fairly close proximity to each other, and this proposal is therefore considered to be appropriate in this context.

No first floor windows are proposed to the north east or south west elevations of the proposed dwelling and a condition has been imposed to prevent any windows being inserted at a future date (condition 15) and therefore the proposal does not present any overlooking issues. The proposed roof lights to the south west elevation are considered to be of a height that would not easily allow clear views to be achieved of the neighbouring property and therefore there is no basis for a refusal on the grounds of loss of privacy.

Due to the orientation of the buildings, the proposed house would not result in any significant loss of light by overshadowing to the existing property (Chalgrave) or the neighbouring property to the south (Compton Lodge) that would warrant the refusal of the application.

Landscape/Trees

The trees to the north west boundary make a significant and positive contribution to the sylvan character of the area and these are proposed to be retained. This is supported by an Arboricultural Impact Assessment and Tree Survey and their protection has been secured through appropriate conditions. (Conditions 4 to 9). The proposal does include the loss of fruit trees within the site however this is considered to be acceptable as they do not have any great landscape significance and will not affect the character of the area. There is a hedge to the south west boundary, approximately 3 metres in height, which is considered to afford both a level of privacy and allow a proportion of the dwelling to be screened from views to and from Compton Lodge. The hedge is considered to be important for these reasons and its retention can be secured through its inclusion on the details that need to be submitted for the boundary treatment. (Condition 14).

Highways/Parking

There are no highway objections to the scheme. The existing access is considered to be of a standard that can accommodate the extra vehicle movements with the level of proposed parking being acceptable.

Archaeology

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The site has archaeological importance given its close proximity to a Roman Road and a Medieval Road. It is considered that the condition imposed requesting a programme of archaeological work in accordance with a written scheme of investigation (condition 13) will suitably protect the area and therefore protect any archaeology on site.

Open Space/Highway contributions

The amount of £2,796.00 has been paid towards the Open Space Strategy Fund and the amount of £5,457.00 has been paid in accordance with the Transport Contribution Policy.

**Recommendation**

Application Permitted subject to the following condition(s):

**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 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is 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 dwelling house as a residence.

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

4 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement by Ben Abbatt of Sapling Arboriculture Ltd. and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

5 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 Arboricultural Impact Appraisal and Method Statement by Ben Abbatt of Sapling Arboriculture Ltd.. Telephone 01962 848317.

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

6 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 848317.

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

7 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Appraisal and Method Statement by Ben Abbatt of Sapling Arboriculture Ltd.

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

8 Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement by Ben Abbatt of Sapling Arboriculture Ltd. shall be agreed in writing to the Local Planning Authority.

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

9 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 Arboricultural Officer prior to commencement of development work.

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

10 Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of potentially contaminated sites - code of practice and Contaminated Land Reports 7 to 11, or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:

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- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

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

11 Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of E110c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of condition 10 above has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

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

12 Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination 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.

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

13 No development or site preparation prior to operations which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.

14 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 dwelling hereby permitted is first occupied. Development shall be carried out in accordance with the approved details.



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

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the first floor north east or south west elevation(s) of the dwelling hereby permitted.

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

**Informatives:**

This permission is granted for the following reasons:

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.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP1, DP3, DP5, DP9, RT4, H3, T2, HE1

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

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