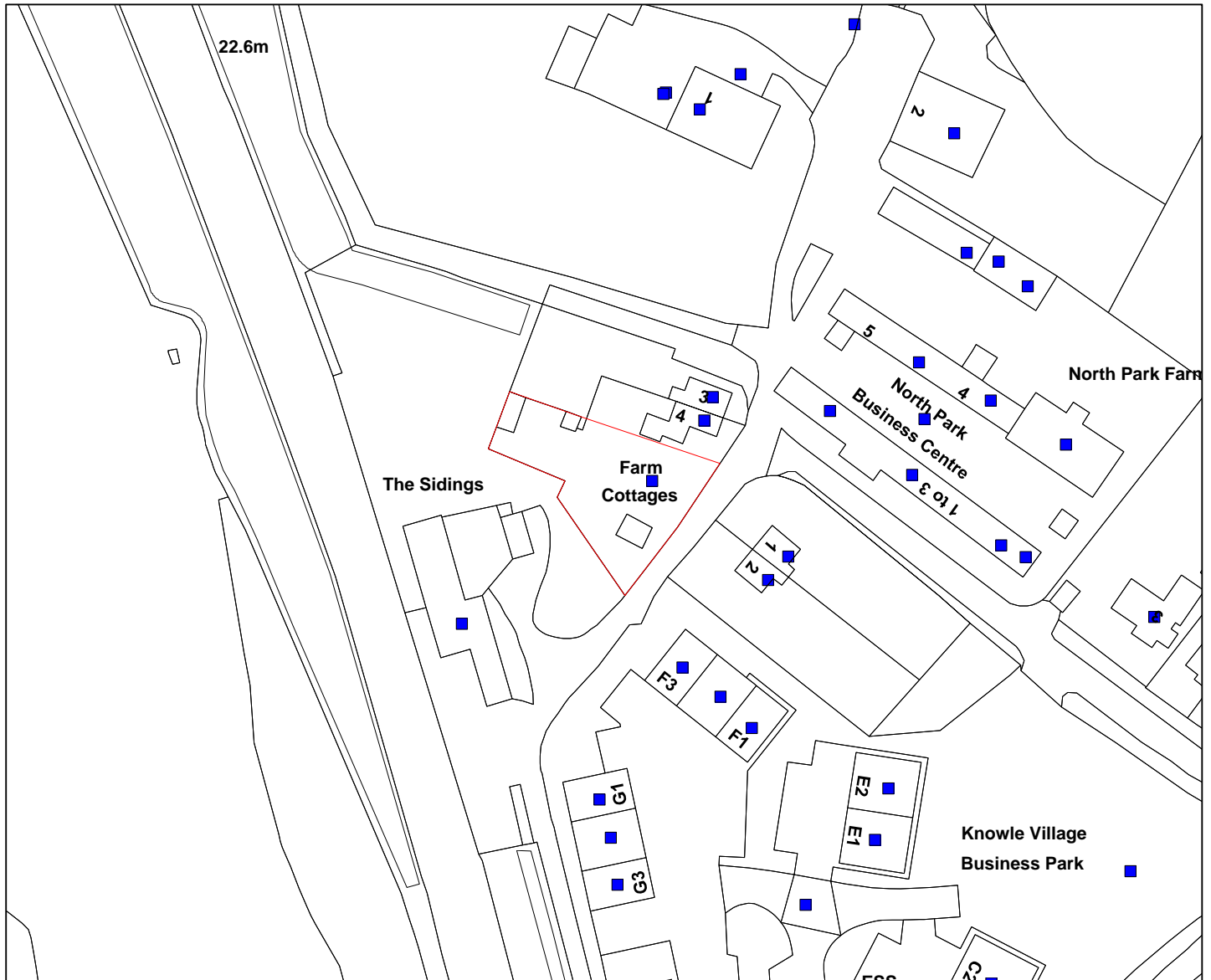


4 Farm Cottages, Mayles Lane, Knowle



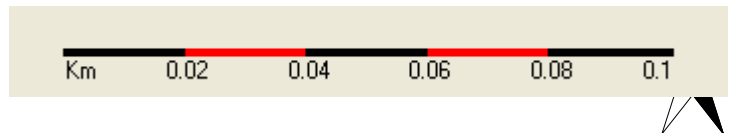
Winchester
City Council

10/02337/FUL



Legend

Scale:



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|---------------------|-------------------------|
| Organisation | Winchester City Council |
| Department | Development Services |
| Comments | |
| Date | 21 December 2010 |
| SLA Number | 00018301 |

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 6 January 2010

Item No: 7
Case No: 10/02337/FUL / W08655/17
Proposal Description: (AMENDED SITE ADDRESS) 1 no. two storey four bedroom dwelling with associated car port, car parking and landscaping (WITHIN THE CURTILAGE OF A LISTED BUILDING)
Address: 4 Farm Cottages Mayles Lane Knowle Fareham Hampshire
Parish, or Ward if within Winchester City: Wickham
Applicants Name: HCR Enterprises Ltd
Case Officer: Mr Simon Avery
Date Valid: 8 September 2010
Recommendation: Application Permitted

General Comments

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

Site Description

The site is located within the settlement boundary of Knowle on the south western edge of the village with mixed residential and employment use properties nearby. North of the site is Knowle Farm where there are some steel framed agricultural buildings in a countryside setting. To the north east is a small business centre, which is a series of converted farm buildings. Beyond this to the east is the main residential development of the village. To the south is Knowle Village Business Park. To the west and beyond Knowle Farm is countryside. Immediately to the south east of the site, on the other side of the access track are another pair of semi-detached cottages.

The site consists of the side garden area of 4 Farm Cottages. This is a semi-detached cottage and No.s 3 and 4 are a Grade II listed building formed from a detached timber framed building originating from the 17th century. There is a significant difference in levels in the area. Vehicular access to the site is from Mayles Lane to the east which is at a higher level, and slopes downwards towards the site. The approach lane then becomes a single track and is on a steep incline, with the site being located on a bend in the track below road level allowing the large half-hipped roof and chimneys of the property to dominate the view.

The site is enclosed by a tall hedgerow on the eastern boundary facing the access track. There is a vehicular access off this track at the southern point of the site, leading to a small garage building in the site. The other boundaries are enclosed by a mixture of vegetation and fencing.

Proposal

The proposal is for a four bedroom detached cottage within the side garden of No 4 Farm Cottages. The existing vehicular access to No 4 will be retained and the driveway extended to give access to a parking area at the bottom of the site where a car port, bin store and 3 open parking spaces will be provided for the existing and proposed properties.

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Relevant Planning History

All relating to No 4 Farm Cottages:

04/02102/FUL: Single storey rear extension - Refused - 06/10/2004

04/02104/LIS: Alterations to provide single storey rear extension - Refused - 06/10/2004

04/02109/FUL: Detached annex, garage and carport building - Refused - 06/10/2004

04/02112/LIS: Detached annex, garage and carport building, in the curtilage of a listed building - Refused - 06/10/2004

04/03224/FUL: Single storey rear extension - Permitted - 01/02/2005

04/03226/LIS: Detached annex and garage building, in the curtilage of a listed building - Withdrawn - 17/12/2004

04/03227/LIS: Construction of rear extension to existing dwelling to form new kitchen/family room - Permitted - 01/02/2005

04/03228/FUL: Detached annex and garage building, in the curtilage of a listed building - Refused - 04/02/2005

Consultations

Arboricultural Officer

No objections.

Environmental Protection

The proposed development is situated adjacent to land that has been used historically as a gasworks. Therefore safeguarding conditions should be attached to any consent granted in order to ensure that the proposed development is suitable for use and is not capable of causing unacceptable risks to human health and the environment.

Landscape office

No objection. These proposals would see the removal of an out-of-place leylandi hedge at the boundary with the Lane and its replacement with a new native species hedge (hawthorn, blackthorn, holly etc) and a steel estate railing. The proposals would also involve the removal of the eucalyptus tree and the rest of the inappropriate planting in the garden and their replacement with a more appropriate hard and soft landscape treatment.

Historic Environment Officer

The proposed new dwelling would be subservient to the nearby listed building, and sufficient distance has been preserved between them so that it will not obstruct significant views of the listed building. The new house and car port are both sympathetically designed in a plain and simple rural vernacular style that should complement the listed building.

Drainage Engineer

No objection.

Highway Engineer

This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Representations:

Parish Council

- No objections

Knowle Village Residents Association

- The proposed building is out of keeping with the existing cottages and is much bigger

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than its neighbours.

- “Garden infilling” of this nature is against the spirit of current Government housing guidelines.
- It would overshadow the existing dwellings.
- It would mean removing wildlife habitat including trees.
- It would leave the existing cottage with very little recreational space.
- The property is accessed via a narrow single track lane with obscure sight lines and no footpaths and is not suitable for increased traffic.
- The proposed site would be via a steep driveway which could be hazardous in inclement weather and may encourage offsite parking which would lead to restricted use of the lane.
- Parking and manoeuvring on the proposed drive/parking area is restricted and would lead to reversing onto the lane or down the drive.
- Cottages 1 & 2 will have their windows overlooking the house and will lose their rural aspect.
- The sewer pipe work which serves farm cottages is old and in a poor state of repair and is privately owned and maintained. To add to the problem would only exacerbate a current environmental problem.
- This development would undermine the old rural aspect of the area and promote other unwelcome and inappropriate development requests.

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

- Previous refusals on the site should set a precedent.
- Inadequate sewerage system.
- Impact on future of owners due to noise from Fareham gun club.
- There are errors in the Design and Access statement and on the plans.
- The scale of the house is too imposing on the existing building.
- Concern about highway safety due to the proposed parking provision, increase in traffic, steep driveway, access visibility and narrow lane.
- Increase in traffic using Mayles Lane.
- Impact on the street scene and wider environment.
- No pavement exists to serve the new dwelling.
- Proposal is contrary to new Government guidance on garden development.
- Inadequate garden left for the existing cottage.
- Loss of mature garden with a pond and several mature trees.
- Noise of cars passing to parking spaces.
- Impact of construction lorries on neighbouring cottages.
- This proposal will set a precedent.
- The proposals will effect the enjoyment of neighbouring properties.

Relevant Planning Policy:

South East Plan 2009:

BE6, CC6

Winchester District Local Plan Review

DP3, DP4, DP5, DP9, HE4, HE5, HE8, HE14, H3, T2, T4, RT4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 5 Planning for the Historic Environment

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PPS 7 Sustainable Development in Rural Areas
Other Planning guidance
Guide to the Open Space Funding System

Planning Considerations

Principle of development

This site is within the settlement boundary as defined by the Winchester District Local Plan Review 2006 and so the principle of residential development is acceptable. PPS3 densities would generally be applied, requiring a minimum 30 dwellings per hectare, but it is not considered that this would be appropriate in this location on the edge of the countryside and in particular due to the impact of higher density development on the adjacent Listed Buildings. Therefore the principle of allowing only one dwelling on the site is considered to be acceptable given the rural and historic context.

Impact on the setting of listed buildings

Numbers 3 and 4 Farm Cottages are grade II listed buildings. These were originally a single detached timber framed building originating from the 17th century. It is considered that the proposed new dwelling would sit comfortably next to these cottages with sufficient distance between them to ensure that the new dwelling would not detract from the setting of the listed buildings. It has also been positioned carefully on the plot to ensure that it will not obstruct significant views of the listed building from the lane to the south west. The proposed house and car port are both sympathetically designed in a plain and simple rural vernacular style that will complement the listed building. All roofs are steeply pitched and clad in plain clay tiles. Details, such as half hipped roofs, tall brick chimneys, small casement windows, arched lintels, and a timber front door and porch canopy, are convincingly and pleasingly rural and simple. A single storey projection to the south west side and the detached car port to the rear are proposed to be clad in horizontal timber boarding, which is appropriate in this context. It is therefore considered that the proposed new dwelling would not harm the setting of the nearby listed buildings.

Impact on the character of the area

The setting is unusual in that No.s 3 and 4 are located on a bend in the lane below road level so that only the top half of the building is visible at this point, with the large half-hipped roof and chimneys dominating the view. The new dwelling will be located to the south west of these, and due to the topography of the land and intervening buildings and planting, it would not be visible from the higher point of the lane as you approach the cottages, and the main views of it would be from immediately outside the site and from the lane as it drops down to the south west. Views of the new building from the countryside to the north and west would also be limited, due to the topography and amount of tree cover. Therefore, its visual impact on both the wider area and immediate context is quite limited. In any case, as noted above, it is considered to be a well designed building which is sympathetic to the neighbouring cottages. There will be a gap of 8.8 metres between the two storey elements of the proposed and existing buildings ensuring that the cottages do not appear cramped in relation to each other. Therefore it is considered that the new dwelling would sit comfortably in this semi-rural context and make a positive contribution to the character of this area.

Impact on residential amenity

The proposed dwelling will sit next to No 4 Farm Cottages and will be 1.4 metres from the side boundary. The distance between the cottages will be 3 metres at ground floor

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level and, as noted above, 8.8 metres between the first floor elements. This is considered to be sufficient separation to avoid any undue overbearing impact or loss of light. There are no first floor side windows on the new cottage facing the existing one and fencing along the side boundary would ensure that there would not be any undue loss of privacy between ground floor windows on both dwellings.

The new dwelling would be 20 metres away from No 1 and 2 Farm Cottages to the east across the lane and it is not considered that, at this distance, there would be any loss of privacy.

Therefore it is not considered that there would be any unacceptable impact on residential amenity arising from the proposal.

Highways

It is intended to use the existing vehicular access to serve no. 4 Farm Cottages and the new dwelling to access the parking and turning area to be provided at the bottom of the existing garden at the western extremity of the site. This will contain a double carport, three additional parking spaces and a bin store. This arrangement is considered to be acceptable and the proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Amenity Space

A garden area will be retained for No 4 Farm Cottages immediately to the rear of the property. This will be approximately 10 metres in depth and will provide 88 square metres of amenity space. While this is a small garden area, it is considered to be useable and sufficient for the existing cottage. The new dwelling will be provided with a rear garden of similar depth to No 4 but which will be wider and will provide approximately 140 square metres of amenity space. This is considered to be appropriate for the scale of the new dwelling.

The garden of No 3 Farm Cottages dog-legs in behind the section of garden to be retained for No 4 and is adjacent to the western section of the site that is proposed to be used as a parking and turning area for both No 4 Farm Cottages and the new dwelling. This will mean that 5 parking spaces will be provided in close proximity to this neighbouring garden. However, given the size and arrangement of this neighbour's garden, it is not considered that this number of vehicles passing and parking at this point would have an unacceptable impact on the enjoyment of this garden, or in fact the amenity areas to be provided for No 4 and the new dwelling.

Trees and landscaping

An arboricultural report has been submitted with the application and this 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. The protection measures specified in the submitted report will be sufficient to reduce the affects on the retained trees to a minimum.

The vegetation to be removed includes a leylandi hedge at the boundary with the Lane. This will be replaced with a new native species hedge and steel railings. It is considered that this will significantly improve the appearance of the site as the existing tall hedge is overbearing at this point and a lower indigenous hedge will be more in keeping with the local character and will open out views of the site and landscape beyond.

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Drainage

There are no objections on drainage grounds although further details of the foul and surface water drainage need to be submitted and these are required by condition 10.

Financial contributions

Under the terms of the Agency Agreement a financial contribution towards Hampshire County Councils Transport Contributions Policy of £5457 is required.

An open space contribution of £3108 is also required for the development.

A unilateral undertaking has been submitted in respect of both these amounts.

Other matters raised in letters of representation

- It is not considered that the recent changes by the Government to PPS3 would preclude the sensitive development of garden areas such as proposed here.
- There are no significant trees to be removed from the site.
- Previous applications to develop this garden were refused but each application has to be considered on its own merits and as discussed above, this proposal is considered to be acceptable in its own right.
- Environmental Protection are aware of complaints about noise from Fareham gun club and are monitoring the problem, but it is not a matter that would prevent the addition of a dwelling in this location.
- There are minor labelling errors in some of the supporting documents and on some of the plans, mostly relating to No.s 1 and 2 Farm Cottages. It is not considered that these errors are material to the determination of this application.
- The fact that there is no pavement to serve the new dwelling is not considered to be unacceptable in this location.
- Impact of construction traffic is not a planning consideration.

Planning Obligations/Agreements

In seeking the planning obligation(s) for open space and highway contributions, 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.

Recommendation

Application Permitted subject to

- The completion of the legal agreement to secure contributions of £3,108 for open space provision and £5,457 for highway improvements;

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

- The following condition(s):

Conditions/Reasons

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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 Prior to the commencement of the development hereby approved, the following samples and details shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved samples and details.

- a) Samples of external facing bricks and roof tiles
- b) Typical details at 1:5 scale of new external windows, rooflight and doors, eaves, bargeboards and porch canopy.
- c) Details and samples of hardsurfacing materials and means of enclosure.

Reason: To preserve the setting of a listed building, in accordance with PPS.5.

3 Details of the type and size of new trees, plants and hedgerow required in respect of No.s 3, 4, 8, 14, 15, 16, 17, 18, 19, 23, 25, 27 and 28 shown on approved drawing ref. TGD Landscape 'Landscape Strategy Plan' 2210-101 shall be submitted to and approved in writing prior to the commencement of works on the site. These approved planting details and the overall landscaping scheme as detailed on drawing ref. TGD Landscape 'Landscape Strategy Plan' 2210-101 shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. Once the planting is carried out, the soft landscaping shall be maintained in accordance with the submitted Landscape Maintenance Plan by TGD Landscape Ltd dated September 2010. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

4 The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear.

Reason: To make proper provision for off street parking.

5 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference 1092-AIA written by Barrie Draper of Ecourban Consulting 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 1092-AIA. The Arboricultural Officer shall also 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. No arboricultural works shall be carried out to trees other than those specified and in accordance with this

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Method Statement. Any deviation from works prescribed or methods agreed in accordance with the Method Statement 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.

6 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.

7 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:

- 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 future occupants.

8 Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of condition 7c) 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

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7c) 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.

9 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.

10 Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

11 Details of the siting and design and method of fixing of any external meter boxes/metal ducting/flues to be provided, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The works hereby permitted shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the area.

12 Notwithstanding the provisions of 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, E, F, G of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

12 Reason: To protect the amenities of the locality and to maintain a good quality environment.

13 Prior to the commencement of works on site a method statement providing details of how the land is to be graded and whether any spoil will have to be back-filled or removed from the site, shall be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details.

Reason: To ensure that the development is undertaken in a sustainable and appropriate manner.

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Informatives

1. 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.

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, RT4, T2, T4
South East Plan 2009: BE6, CC6

3. 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.

4. 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.