

Planning (Viewing) Sub Committee – 24 November 2015

Report Extract from Planning Committee 12 November 2015

Item No: 02
Case No: 15/01893/FUL / W16438/03
Proposal Description: (HOUSEHOLDER) Erection of a single pergola in the rear garden (RETROSPECTIVE)
Address: 3 Woodfield Drive Winchester Hampshire SO22 5PY
Parish, or Ward if within Winchester City: St Luke
Applicants Name: Ms Lyanne Maclean
Case Officer: Nicholas Billington
Date Valid: 1 September 2015
Site Factors: Civil Aviation

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Councillor Derek Green whose request is appended in full to this report.

This application is retrospective in nature as the proposed structure has already been constructed.

Site Description

The site is situated within the defined settlement of Winchester within a residential estate consisting mainly of relatively large detached dwellings set within fairly narrow but long plots. Most properties have an area of lawn and driveway to the front and relatively long rear gardens with a mixture of boundary treatments. The dwelling to which this application relates fits within this character in that it is a detached property, two storeys in height and of a broadly traditional form and detailing.

The garden of the site is currently bounded by mainly standard height close boarded fencing. Against the north eastern boundary is an area of patio which extends along most of the length of the boundary. Set within the patio is an existing small bathing pool.

Proposal

The proposal, compared to the length of the garden, is for a relatively large timber structure with translucent pitched polycarbonate roof. The structure is positioned over the length of the patio on the north-eastern side of the garden running to a total length of approximately 14.7 metres adjacent to the boundary fence. The lowest part of the roof adjacent to the boundary is approximately 2.4 metres rising steadily to a total height of 3.2 metres on the south-western side of the structure. Its total depth is approximately 3.25 metres.

Relevant Planning History

10/01167/FUL – (Extension to the time limit for implementing planning permission 07/00822/FUL) Part ground and 1st floor side extension, 2 storey front extension and conservatory (permitted – 01.07.2010)

07/00822/FUL - Part ground and first floor side extension, two storey front extension and conservatory at rear (permitted – 24.05.2007)

Consultations

None

Representations:

1 Councillor objecting to the application for the following reasons:

Cllr. Derek Green

- Out of keeping with area.
- Intrusive to others in street.

City of Winchester Trust: *Object*

- Insufficient information available.
- Size of proposal appears excessive.

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

- Overbearing and overshadowing affect on neighbouring properties.
- Out of character with the surrounding area.
- Poor choice of materials resulting in unneighbourly impacts.
- Setting of an undesirable precedent.
- To close to boundary with neighbour.
- Noise, smoke and light disturbances.
- Contravenes permitted development rights regulations.

Reasons aside not material to planning and therefore not addressed in this report

- Proposal overhangs boundary. *Matters relating to property ownership and overhanging are a civil matter between parties and do not directly relate to planning.*

0 letters of support received.

Relevant Planning Policy:

Winchester District Local Plan Review

DP.3

Winchester Local Plan Part 1 – Joint Core Strategy

DS.1

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance
Winchester District High Quality Places SPD

Other Planning guidance
None

Planning Considerations

Principle of development

The principle of development is accepted as the proposal is for an ancillary structure that relates to an existing dwelling house within the defined settlement boundary of Winchester; notwithstanding compliance with all relevant development policies and other material considerations.

It is recognised that the proposed development does not fall within the permitted development regulations. Therefore the structure requires the benefit of planning permission which is being sought via this planning application

The main planning considerations in this instance relate to the affect of the proposal on the character of the area and the amenities of adjoining properties. These considerations are replicated in policy DP.3, parts (ii) and (vii) of the Winchester District Local Plan Review 2006 and are discussed in detail under the below headings.

Impact on character of area and neighbouring property

The proposal is relatively large for a garden structure compared to the size of the garden, particularly in terms of its length, and is directly adjacent to the boundary with no. 5. The structure is of an open design with a timber construction and translucent plastic roof which appears subservient to the main dwelling and its design reflects its intended purpose; to provide some degree of shelter and privacy to the private garden amenity space of the dwelling.

There are glimpsed views of the proposal from the public realm of Woodfield Drive between properties. However, due to its position at the rear of the property and hence distance from the public realm, the proposal is considered to have a neutral impact on the character of the area.

The proposal will be clearly visible from no. 5's rear windows and garden area. More distant views of the proposal will also be possible from properties roughly to the west, particularly after leaf fall. A private view of a proposal, in itself, is however not a material planning consideration although the proposal is assessed in respect of the impact on the amenities of neighbours outlook. The main neighbour amenity considerations are whether the proposal creates a harmful overbearing or overshadowing impact on the private amenities of neighbouring properties.

The structures open nature, size and orientation means it will not have a harmful overshadowing impact on the neighbouring property.

Rear windows of no. 5 are directed such as to face into their own garden. Views of the proposal from rear windows will clearly be possible; however, due to the windows orientation and distance from the proposal, the proposal is considered not to cause an overbearing impact on the internal private amenity space of No. 5. In terms of garden amenity, the garden of no. 5 is relatively large and patio area stretches across the width of no. 5 garden adjacent to the house. The part of the structure closest to the fence rises above the fence by approximately 0.5 metres. At garden level, the proposal is also largely screened by an existing boarded fence. Therefore, due to its design, height and existing screening and in conjunction with the above, the proposal will not have a materially harmful overbearing impact.

In terms of overlooking, whilst the proposal is adjacent to the boundary, it does not in itself result in increased overlooking as its open side looks into its own garden space.

The nature of the polycarbonate roof of the proposal reflects the sun and this is considered to result in a level of glare which can be seen from no. 5 at certain times of the day. In considering whether this is materially harmful, it is noted that the glare produced by the proposal will reduce year on year as the polycarbonate roof material weathers and becomes less shiny. In the shorter term it is considered appropriate to require suitable mitigation (such as a coating or netting) as per recommended Condition 1.

It is noted that representations on this application and formal complaints to the WCC environmental protection department (currently under investigation) have raised concerns in relation to noise and smoke originating from under and around the structure. The use of the structure and amenity affected by these issues is a material planning issue however such use is generally associated with household gardens and so is not deemed to be materially harmful to the extent which would justify refusal. Noise, smoke and other nuisance issues also fall under environmental protection legislation.

Other Matters

No Other matters to report.

In light of the above, the proposal is considered to comply with all relevant development policies and other material considerations and therefore approval is recommended subject to condition.

Recommendation

APPROVE subject to the following condition:

Conditions

01 Within 31 days of the date of this permission details of mitigation measures to prevent light glare from the roof of the proposed structure hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in accordance with agreed details within 31 days from the date of their approval.

01 Reason: To protect the amenity of the adjacent residential property.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
- In this instance the applicant was updated of any issues after the initial site visit.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1
Winchester District Local Plan Review 2006: DP3

04. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority. Failure to comply with a condition could result in Enforcement action being taken by the Council.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.