

PLANNING DEVELOPMENT CONTROL COMMITTEE

23 October 2003

ENHANCEMENT OF EXISTING GARDEN WITH REFURBISHMENT OF PATIO, TIMBER BRIDGE OVER HA-HA, ERECTION OF SHED, TRELIS AND COMPOST BINS (PART RETROSPECTIVE) AT 3 SWANMORE PARK, PARK LANE, SWANMORE (REF W17333/04 AND W17333/05LB)

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Deanne Frankel Tel No: 01962 848567

RECENT REFERENCES:

PDC 346 - Planning Development Control Committee, 24 September 2003 - Item 13

PDC 346 - Planning Development Control Committee, 24 September 2003 – Item 14

EXECUTIVE SUMMARY:

At its last meeting the Committee considered two separate applications for development at the above site, for a part retrospective application for the enhancement of an existing garden with the refurbishment of a patio, a timber bridge over the ha-ha, the erection of a shed, trellis and compost bins and the construction of a lay-by at the above site. For Members' information, the previous reports on the applications are attached as an appendix to this report. The Committee resolved to defer the items for possible reasons for refusal to be brought to its next meeting.

Officers remain of the view that the applications should be granted. This report also sets out possible reasons for refusal for each application, which Members could adopt if they consider that the applications should be refused.

RECOMMENDATIONS:

- 1 That the applications (W17333/04 and W17333/05LB) be approved, subject to the conditions and other matters set out in the original recommendations, as shown in the extracts from the officer reports in the Appendix.
- 2 That if Members are minded to refuse the applications, the reasons for refusal (for W17333/04 and W17333/05LB) be as set out in Paragraph 2.2 below as follows.

1. The proposal is contrary to Policy E15 of the Hampshire County Structure Plan (Review) and Policies HG4, HG23 and EN5 of the WDLP in that it would:

- i) by reasons of its siting, scale and design result in a detrimental impact on the setting of a Grade II Listed Building.
- ii) By reason of its siting, scale and design result in a detrimental impact on the character and appearance of a historic garden identified within the Hampshire Register of Historic Parks and Gardens.

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23 October 2003

ENHANCEMENT OF EXISTING GARDEN WITH REFURBISHMENT OF PATIO, TIMBER BRIDGE OVER HA-HA, ERECTION OF SHED, TRELLIS AND COMPOST BINS (PART RETROSPECTIVE) AT 3 SWANMORE PARK, PARK LANE, SWANMORE (W17333/04)

Report Of Director of Development Services

DETAIL:

1 Introduction

- 1.1 At its last meeting, the Committee considered a report from officers concerning two applications for a part retrospective application for the enhancement of an existing garden with the refurbishment of a patio, the construction of a bridge over the ha-ha, the erection of a shed, trellis and compost bin and the construction of a lay-by at 3 Swanmore Park, Park Lane, Swanmore.
- 1.2 Officers recommended approval of both applications, subject to conditions, as set out in the original officer recommendations. For Members' information, the previous report on the applications, including the original recommendations and conditions, are attached as an appendix to this report.
- 1.3 Members were minded to refuse the applications. In view of this, the applications were deferred to this meeting, for officers to consider and propose possible reasons for refusal.
- 1.4 Members also requested that Council's Arboricultural Officer be consulted in relation to alleged unauthorised tree removal on the site.

2 Current Position

- 2.1 Since the last meeting, officers have considered the concerns raised by Members.
- 2.2 Although Officers remain of the view that the applications should be granted, it is considered that the following are suggested reasons for refusal for both applications (W17333/04 and 17333/05LB):-
 1. *The proposal is contrary to Policy E15 of the Hampshire County Structure Plan (Review) and Policies HG4, HG23 and EN5 of the WDLP in that it would:*
 - i) *by reasons of its siting, scale and design result in a detrimental impact on the setting of a Grade II Listed Building.*
 - iii) *by reason of its siting, scale and design result in a detrimental impact on the character and appearance of a historic garden identified within the Hampshire Register of Historic Parks and Gardens.*
- 2.3 Council's Arboricultural Officer has been consulted in relation to the alleged unauthorised tree removal on the site. The findings and/or recommendations of the Officer will be presented orally at the Committee Meeting.

3 Decision Required

- 3.1 Having indicated at the last meeting that they were minded to refuse the applications, and taking into account the information in this report, Members may either:-
- a) Approve both applications, subject to conditions and other relevant matters; or
 - b) Confirm their previous view, and refuse both applications, specifying suitable reasons for refusal.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Looking after the natural and built environment is a core objective.

5 RESOURCE IMPLICATIONS:

- 5.1 If the applications are refused unreasonably, the Council may be required to pay costs to the applicant.

BACKGROUND DOCUMENTS:

Application forms, drawings, correspondence, notes of site visits and discussions, representations, and any amended plans and drawings included in the appropriate application file.

APPENDICES:

Extract from previous report to Committee on both applications (W17333/04 and W17333/05LB).

APPENDIX

Item 13 **Parish** Swanmore
Conservation Area:
Case No: 03/01396/FUL
Ref No: W17333/04
Date Valid: 4 June 2003
Grid Ref: 458334 117798
Team: WEST **Case Officer:** Mrs Deanne Frankel
Applicant: Mr JD Garrett
Proposal: Enhancement of existing garden with refurbishment of patio, timber bridge over ha-ha, erection of shed, trellis and compost bins (PART RETROSPECTIVE)
Location: 3 Swanmore Park Park Lane Swanmore Southampton Hampshire SO32 2QS

Officer Report**History**

W17333LB Trench to south elevation to cure damp problem. Erection of railings and new window to cellar to match existing. Permitted 25/9/01.

W17333/01LB Alterations for removal of two structural wooden beams in cellar, replace with steel universal column, remove 2 no. redundant brick pillars and repair/replace defective joists. Refused 10/4/03.

W17333/02 Enhancement of existing garden with refurbishment of patio, timber bridge over ha-ha, erection of shed and compost bins (Part Retrospective). Refused 2/5/03

W17333/03LB Alterations to provide enhancement of existing garden including refurbishment of patio, timber bridge over ha-ha, erection of shed and compost bins (Part Retrospective). Refused 2/5/03.

Policy**DEVELOPMENT PLAN**

HCSP(R) UB3, E15, C1, C2

WDLP EN5, C1, C2, HG4, HG23

Emerging Development Plan: WDLP Review Deposit and Revised Deposit: DP3, C1, HE3, HE16

Other Material Considerations:

PPG 15 – Planning and the Historic Environment

Hampshire Register of Historic Parks and Gardens

Consultations

Landscape Architect – no objection subject to minor amendments to the plans.

Conservation – Initially concerned as the ha-ha ditch had been partly filled and the flint backing wall to the ha-ha needed repair. The current photos indicate that the fill has been removed and a wooden bridge provided over the ha-ha instead. The

application is now acceptable subject to a condition requiring the flint wall of the ha-ha being repaired within two months of the planning permission being issued.

Representations

Swanmore Parish Council: object and advise as follows:

- (i) Concern that the application is partially retrospective and there are apparent inaccuracies and omissions.
- (ii) Lay-by is inappropriate.

8 written representations were received from neighbouring properties - 2 letters of support and 6 letters of objection. One letter of support argues that the development will result in a manageable garden that will blend with the house and surrounding gardens, the other simply states that they fully support the application. The objector's issues of concern pertain to the following:

- (i) Proposed development is similar to previous application, which was refused.
- (ii) Various discrepancies between what's existing and what is proposed.
- (iii) Proposed lay-by was not mentioned on site notice
- (iv) Replacement of grassed area with lay-by is not considered to be appropriate.
- (v) No mention of retrospective tree clearing.

Assessment

The existing garden area resulted from the subdivision of the main dwelling. The garden area of 3 Swanmore Park is a long, relatively narrow plot with the eastern boundary defined by hedging and trees and the western boundary defined by hedging and a copse. The southern boundary of the main garden is defined by a flint ha-ha. The proposal is a part-retrospective application for works to enhance the garden area.

The proposal has a number of elements:

- (i) *Creation of a bridge across the ha-ha – this bridge has already been constructed*
- (ii) *Refurbishment of a patio area adjacent to the ha-ha – the patio has already been*

constructed and trellis erected on the eastern and southern sides. However, modifications to the patio are proposed.

- (iii) *Trellis, Garden Shed and Compost Bins - the only part of this element which has*

been constructed is the trellis. It is considered that this location is acceptable for the garden shed and compost bins.

- (iv) *Lay-by – Council acknowledges that the omission of this from the proposal description was an oversight. Council has required minor amendments to the lay-by and is now considered satisfactory.*

Previous applications (W17333/02 and W17333/03LB) for a similar proposal were submitted to Council and refused as it was considered that the siting, scale and design of the development would have a detrimental impact on the setting of a Grade II listed building and character of a historic garden. Following the refusal of those applications negotiations occurred between officers and the applicant. Your officers now consider that the proposed development is sympathetic to the setting of the listed building and the character of the historic gardens and is therefore worthy of support.

Recommendation

O - THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

02 The existing tree shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority.

02 Reason: To retain and protect the trees which form an important part of the amenity of the area.

03 The flint wall of the ha-ha is to be repaired within two months of the planning permission being issued.

03 Reason: To ensure the ha-ha is maintained.

Informatives

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

Hampshire County Structure Plan Review: UB3, E15, C1, C2

Winchester District Local Plan Proposals: EN5, C1, C2, HG4, HG23

Emerging Development Plan - WDLP Review Deposit and Revised Deposit: DP3, C1, HE3, HE16

Item 14 **Parish** Swanmore
Conservation Area:
Case No: 03/01399/LIS
Ref No: W17333/05LB
Date Valid: 4 June 2003
Grid Ref: 458334 117798
Team: WEST **Case Officer:** Mrs Deanne Frankel
Applicant: Mr J.D. Garrett
Proposal: Alterations to provide enhancement of existing garden with refurbishment of patio, timber bridge over ha-ha, erection of shed, trellis and compost bins (PART RETROSPECTIVE)
Location: 3 Swanmore Park Park Lane Swanmore Southampton Hampshire SO32 2QS

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PPG 15 – Planning and the Historic Environment
 Hampshire Register of Historic Parks and Gardens

Consultations

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Swanmore Parish Council: object and advise as follows:

- (iii) Concern that the application is partially retrospective and there are apparent inaccuracies and omissions.
- (iv) Lay-by is inappropriate.

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- (vi) Proposed development is similar to previous application, which was refused.
- (vii) Various discrepancies between what's existing and what is proposed.
- (viii) Proposed lay-by was not mentioned on site notice
- (ix) Replacement of grassed area with lay-by is not considered to be appropriate.
- (x) No mention of retrospective tree clearing.

Assessment

SEE REPORT FOR W17333/04

Recommendation

O - THAT LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

Conditions/Reasons

01 The works hereby consented to shall be begun before the expiration of five years from the date of this consent.

01 Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02 The flint wall of the ha-ha is to be repaired within two months of the planning permission being issued.

02 To ensure the ha-ha is maintained.

Informatives

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

Hampshire County Structure Plan Review: UB3, E15, C1, C2

Winchester District Local Plan Proposals: EN5, C1, C2, HG4, HG23

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